

CITY OF NEWPORT BEACH
PLANNING COMMISSION STAFF REPORT

September 6, 2012 Meeting

Agenda Item 4

SUBJECT: Evensen Residence - (PA2012-089)
SITE
LOCATION: 3225 Ocean Boulevard
▪ Variance No. VA2012-003
APPLICANT: Wun Sze Li c/o Brion Jeannette Architecture
PLANNER: Rosalinh Ung, Associate Planner
(949) 644-3208, rung@newportbeachca.gov

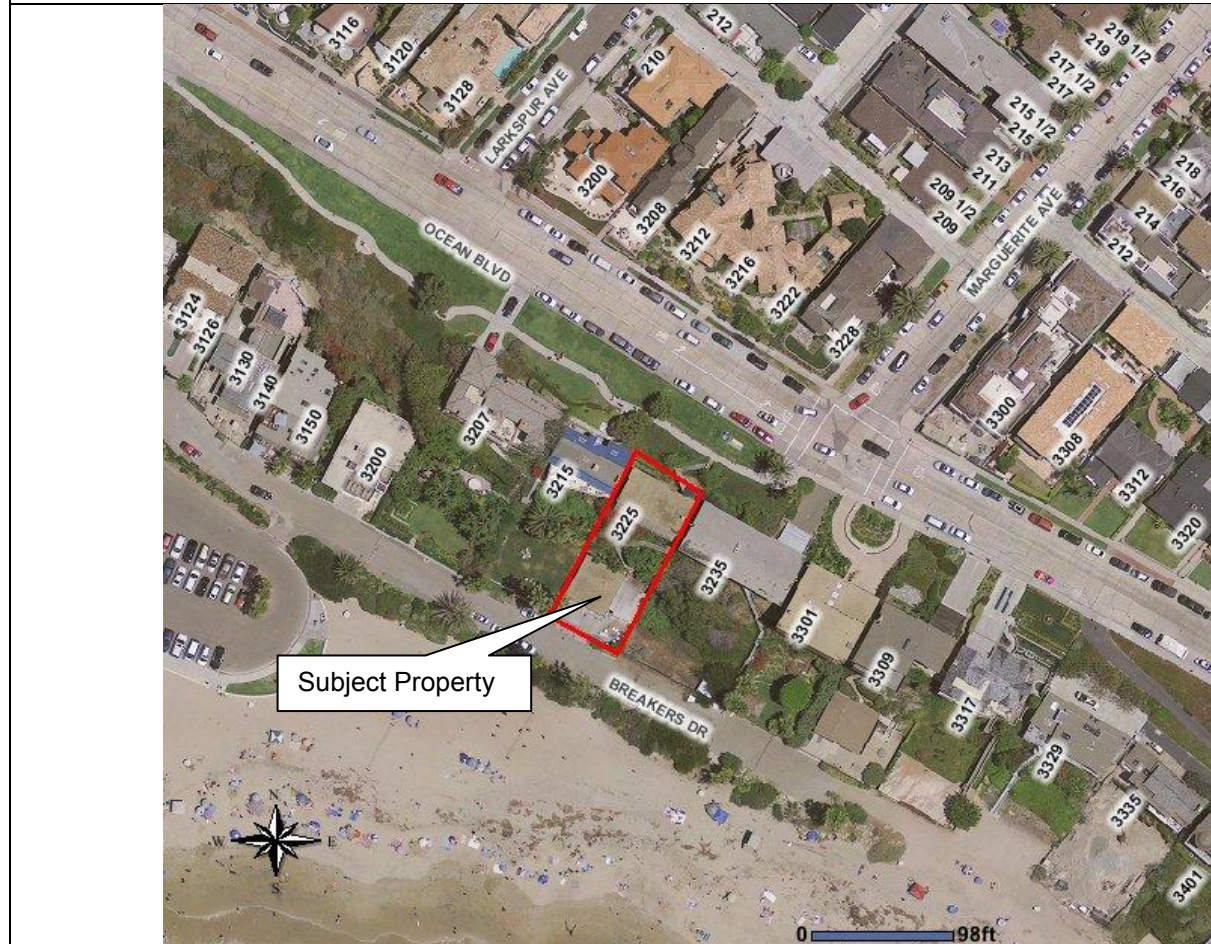
PROJECT SUMMARY

A Variance request to allow the construction of a 3-level, single-family residential unit to encroach 10 feet into the required 10-foot front yard setback at the lower subterranean level which will not be visible from Ocean Boulevard.

RECOMMENDED ACTION

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. ____ approving Variance No. VA2012-003 and finding the project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 (Attachment No. PC 1).

VICINITY MAP



GENERAL PLAN

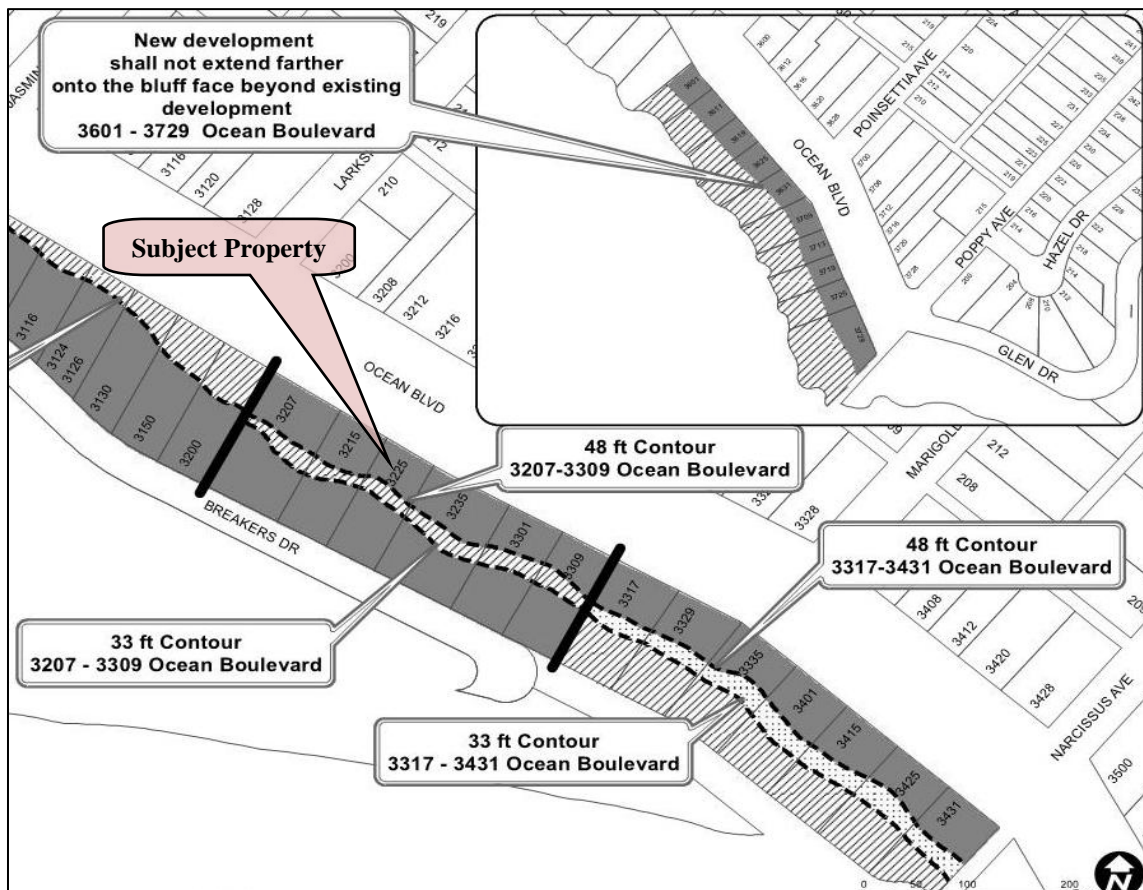


ZONING



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Single-Unit Residential Detached (RS-D)	Single-Unit Residential-Bluff Overlay (R-1-B)	Single-unit residential dwelling
NORTH	Single-Unit Residential Detached (RS-D)	Single-Unit Residential-Bluff Overlay(R-1-B)	Single-unit residential dwelling
SOUTH	Breakers Dr. & Parks & Recreation (PR)	Breakers Dr. & Parks & Recreation (PR)	Breakers Dr. & CDM State Beach
EAST	Single-Unit Residential Detached (RS-D)	Single-Unit Residential-Bluff Overlay (R-1-B)	Single-unit residential dwelling
WEST	Single-Unit Residential Detached (RS-D)	Single-Unit Residential-Bluff Overlay (R-1-B)	Single-unit residential dwelling

Map B-6 Ocean Boulevard/Breakers



Development Areas Delineated By:

— Specified Distance from Front Property Line

- - - Specified Distance Below Top of Curb

- - - Specified Contour

Development Area A

Development Area B

Development Area C

INTRODUCTION

Project Setting

The subject property is approximately 6,804 square feet in size. The rectangular-shaped property is located between Ocean Boulevard to the north and Breakers Drive to the south, with an approximately 50-foot wide City right-of-way between the northern property line and Ocean Boulevard. The right-of-way area consists of a lawn adjacent Ocean Boulevard, a short wall, and a sloped landscaped area adjacent to the property. To the west and east are existing single-family residential developments. South of Breakers Drive is the Corona Del Mar State Beach.

The subject property slopes from Ocean Boulevard down to the south at a slope ratio of approximately 2:1 for approximately 60 feet, and transitions to an approximate 1:1 slope that extends approximately 35 feet downward toward Breakers Drive. The lower portion of the site is relatively flat, at the 13-foot contour line. The total slope height is 76 feet, measured from north of the site at Ocean Boulevard to south of the property at Breakers Drive.

The subject property is currently developed with an existing 2-1/2-level single-family residential unit constructed at the top of the bluff. The existing dwelling unit is situated approximately between the 75-foot elevation contour line down to the 56-foot elevation contour. A one-story, 3-car garage structure, a carport, a fire pit and barbeque are located below the bluff on the level area adjacent to Breakers Drive. An existing wood staircase located on the bluff face connects to the main residence and the garage below, and this area remains largely undisturbed and vegetated. Vehicular access is provided from Breakers Drive. Pedestrian access is available via an existing wooden staircase from Ocean Boulevard.

Project Description

The applicant proposes to demolish the existing 2,023-square-foot, 2-1/2-level, single-family residence and a 1,346-square-foot detached, 3-car garage, and construct a new 3,880-square-foot, 3-level, single-family residence at the top of a coastal bluff, and a 914-square-foot detached, 3-car garage, and an exercise room with a 610-square-foot roof deck on top at the bottom of the bluff. The lower level of the new residence is proposed to encroach 10 feet into the 10-foot front yard setback and requires approval of a Variance.

New improvements in the front yard of the new residence consist of an open patio, with raised planters and barbeque. Also included is an 8-foot high retaining wall at the property line with a 42-inch protective guardrail on top, and a new stairway constructed in the same location as the existing staircase to provide pedestrian access from Ocean Boulevard to the main entrance of the house.

The applicant also proposes a funicular to be located along the west side of the property to provide a secondary means of access between the proposed residence and the lower garage structure. The existing stairway connecting the main dwelling to the garage will be maintained with the top portion to be reconstructed. The stairway on the east side of the main structure will be reconstructed to provide access from the front patio, to the lower-level deck and the back stairway.

Background

On December 24, 2009, an Approval-in-Concept (AIC) was issued by the City to allow the subject property to be redeveloped with a 4,733-square-foot, four-story single-family residence connected via a tunnel and elevator to a 1,084-square-foot, one-story, 3-car garage. The California Coastal Commission (CCC) denied the application because the proposed residence would extend beyond the existing building footprint, down to the 48-foot contour line. The CCC determined that the development should be within the existing building footprint, or above the 56-foot contour line, despite the City's Bluff Overlay District which allows development down to the 48-foot contour line. Additionally, the Bluff Overlay District establishes that development proposed on the lower portion of the site can go no higher than the 33-foot contour. In addition, the CCC objected to the height of proposed garage, and requested that the garage be reduced in size and height.

In response to the CCC decision, the applicant redesigned the project and eliminated one floor level in the main dwelling unit and the second floor of the garage structure. To compensate for the loss in floor area, the applicant designed the lower level to encroach 10 feet into the required 10-foot front yard setback which requires a Variance. This encroachment will be subterranean and will not be visible from Ocean Boulevard.

DISCUSSION

Analysis

General Plan & Local Coastal Plan

The proposed project will not change the density or use of the subject property and is consistent with the designation "Single Unit Residential Detached" (RS-D) of the Land Use Element of the General Plan (GP) and "Single Unit Residential Detached" (RSD-A) of Coastal Land Use Plan (CLUP) of the Newport Beach Local Coastal Program (LCP).

The General Plan (GP) and the Local Coastal Plan (LCP) state that coastal bluffs are "*significant natural landforms considered to be important scenic and visual resources within the coastal zone area of the City*". Development along the coastal bluff side of Ocean Boulevard is one of the few areas in the coastal zone where there is development of the bluff face. According to Policies 4.4.3.8 and 4.4.3.9 of the LCP,

private development on bluff faces along Ocean Boulevard are permitted; however, it must be consistent with the predominant line of existing development or public improvements by providing public access and safety, protecting coastal resources, and protect public coastal views. Improvements on the bluff face shall only be permitted when no feasible alternative exists and when designed and constructed to minimize alteration of the bluff face, to not contribute to further erosion of the bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.

The initial subdivision and development in this area occurred prior to adoption of policies and regulations intended to protect coastal bluffs and other landforms. Development in this area is allowed to continue on the bluff face provided it complies with various policies stated in the GP and LCP. The proposed residence would be constructed within the existing building footprint, at the 56-foot contour line to minimize the alteration of the bluff face and visually compatible with the adjacent residences by adhering to the top-of-curb height restriction.

Zoning Code

The subject property is zoned R-1-B (Single-Unit Residential Bluff Overlay District). Pursuant to Section 20.28.040 (Bluff Overlay District) and Map B6-Ocean Boulevard/Breakers, the subject property is located within the 3207-3309 Ocean Boulevard segment that has two (2) development areas: Area A and Area C. Development Area A is located between the front property line adjacent to Ocean Boulevard and the 48-foot contour line. Additionally, the lower portion of the site between the 33-foot contour line and the property line adjacent to Breakers Drive is within Area A. Within Area A, principal and accessory structures are allowed consistent with the R-1 zone. Development Area C is located between the 33-foot and 48-foot elevation contour lines. Limited accessory structures i.e. benches, guardrails, on-grade trails and stairways, covered walkways connecting a conforming garage and principal structure are allowed in Area C.

The proposed new residence complies with the R-1 and the Bluff Overlay development standards for floor area limit, building height, parking, residential design criteria, and development area, except for the requested front yard setback encroachment at the lower level. A complete analysis of the development standards is provided as Attachment PC No. 3. The maximum height of the new residence will be constructed below the height of the top of Ocean Boulevard curb. The new residence and the 3-car garage structure will be constructed within Area A and the existing building footprints (see Attachment PC No. 4). The design includes decks on the ocean side of the proposed residence that encroach into Area C. These encroachments are allowed as they cantilever 5 feet into Area C, and do not require ground support.

According to the information provided by the applicant, the proposed funicular can be engineered to exacting standards and custom designed to suit the unique topography and constraints of the site. The side of the cab can be designed to be clear to allow view

through to the bluff beyond. The proposed funicular is not listed as one of the permitted accessory structures that would be allowed in Area C, but covered walkways connecting a conforming garage and principle structure are allowed in this area. By comparison to a covered walkway, staff believes that the funicular is less bulky and intrusive while providing handicapped-assisted transportation from the upper to the lower building without traversing the existing stairways. Staff finds the proposed funicular equivalent to the structures permitted in Area C and is consistent with the Bluff Overlay requirements.

Variance Request

The applicant requests an approval of a Variance to allow the lower subterranean level to encroach into the required 10-foot front yard setback. The proposed front yard setbacks for the three building levels are:

Front Yard Setback		
	Proposed	Required
Upper Level	10 ft.	10 ft.
Middle Level	10 ft.	10 ft.
Lower Level	0 ft.	10 ft.

Section 20.52.090.F (Variances, Findings and Decision) of the Zoning Code requires the Planning Commission to make the following findings before approving a variance:

- A. *There are special or unique circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;*
- B. *Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification;*
- C. *Granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;*
- D. *Granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district;*
- E. *Granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood; and*
- F. *Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.*

The basic intent of front yard setback is to provide adequate separation between structures on private property and the public right-of-way and to provide a consistent look from the public street. In this particular case, the proposed encroachment is below the existing and proposed finished grade, and will not be visible from Ocean Boulevard. The front property line is located approximately 21 feet from the Ocean Boulevard public walkway, and 50 feet from Ocean Boulevard.

Staff believes the findings for approval of the Variance request can be made in that the design of the structure is reasonable given topographic and regulation constraints. Further restrictions imposed by the California Coastal Commission results in a tighter development envelope and additional preservation of the existing bluff face. The project, as designed, will allow the property owner to construct a dwelling that meets their needs while limiting encroachment down and alteration of the coastal bluff.

The Variance would not constitute a special privilege as it allows the property owner to build a house compatible with the development of other lots in the vicinity. The proposed development is approximately 62.5% of the maximum allowed on the subject property. (The maximum allowable gross floor area is 7,674 square feet approximately and the total gross floor area that the applicant proposes for the subject property is 4,794 square feet). Granting the requested subterranean front yard setback encroachment allows the subject property to have a comparable dwelling size when compared to the sizes of newly-improved homes on similar parcels in the vicinity. Additionally, the Variance request will not adversely impact public views from Ocean Boulevard as it is subterranean and the overall residence adheres to the top-of-curb height restriction.

The granting of the applicant's request is consistent with the intent of the General Plan, Coastal Land Use Plan and Zoning Code. The granting of the Variance would not increase the density beyond what is planned for the area; will not adversely impact the designated public views from Ocean Boulevard as it adheres to the top-of-curb height restrictions; and will allow for more open coastal bluff face (expanded "green zone" as illustrated in Attachment No. PC 4) than is required by the Bluff Overlay. Staff, therefore, recommends Planning Commission approval based on the discussion and facts above. Conditions of approval have been incorporated into the attached draft resolution (Attachment No. PC 1) to assure that the project complies with GP and LCP policies related to bluff stabilization, minimization of bluff recession, and prevention of bluff erosion.

Alternatives

The following alternatives are available to the Planning Commission:

1. The Planning Commission may suggest specific changes that are necessary to alleviate concerns. If any additional requested changes are substantial, the item should be continued to a future meeting to allow a redesign or additional analysis.

Should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions.

2. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission may deny the application and provide facts in support of denial to be included in the attached draft resolution for denial (Attachment No. PC 2).

Environmental Review

The proposed project has been reviewed and it has been determined that it is categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines – Class 3 (New Construction or Conversion of Small Structures). This exemption includes construction of a single-family residence in a residential area. The proposed project is a single-family residence to be constructed in the R-1 (Single-Unit Residential) Zoning District.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to property owners within 300 feet of the property and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:


Rosalinh Ung
Associate Planner

Submitted by:


Brenda Wisneski, AICP, Deputy Director

ATTACHMENTS

- PC 1 Draft Resolution for Approval with Findings and Conditions
- PC 2 Draft Resolution for Denial
- PC 3 Project Development Elements
- PC 4 Green Zone Exhibit
- PC 5 Project plans

Attachment No. PC 1

Draft Resolution for Approval

RESOLUTION NO. #####

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH APPROVING VARIANCE PERMIT NO. VA2012-003 FOR THE EVENSEN RESIDENCE LOCATED AT 3225 OCEAN BOULEVARD (PA2012-089)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Brion Jeannette Architecture, with respect to property located at 3225 Ocean Boulevard, and legally described as southeasterly one-half of Lot 14 and northwesterly one-half of Lot 15 of Tract 1026.
2. The applicant requests approval of a Variance to allow the construction of a new 3-level, single-family residence with the lower level encroaching 10 feet into the required 10-foot front yard setback.
3. The subject property is located within the Single-Unit Residential (R-1) Bluff Overlay Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is Single-Unit Residential Detached (RSD-A).
5. A public hearing was held on September 6, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Section 15303 Class 3 (New Construction or Conversion of Small Structures) which includes construction of a single-family residence and related accessory structures in a residential zone. The proposed project is a single-family residence to be constructed in the R-1 (Single-Unit Residential) Zoning District.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.090 (Variances) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *There are special or unique circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification.*

Facts in Support of Finding:

A-1. The subject property is located on a coastal bluff, south of Ocean Boulevard and north of Breakers Drive, adjacent to the Corona Del Mar State Beach. The subject property slopes from Ocean Boulevard down to the south at a slope ratio of approximately 2:1 for approximately 60 feet, and transitions to an approximate 1:1 slope that extends approximately 35 feet downward toward Breakers Drive. The lower portion of the site is relatively flat. The total slope height is 76 feet, measured from north of the site at Ocean Boulevard to south of the property at Breakers Drive. The subject property is within the Bluff Overlay District which has two development areas where principal and accessory structures are allowed to be constructed. Given the topography of the subject property, regulation constraints by the Bluff Overlay District, and further restrictions imposed by the California Coastal Commission, the new residence is being restricted to be developed within the existing building footprint thereby resulting in a more restrictive development envelope than to other R-1 zoned properties nearby.

Finding:

- B. *Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other properties in the vicinity and under an identical zoning classification.*

Facts in Support of Finding:

B-1. The Variance does not constitute the granting of a special privilege as it allows the property owner to develop a residence that is compatible with other lots in the vicinity that are identically zoned. The proposed residence is considerably smaller in floor area when compared to the sizes of other residences on similar sized lots in the vicinity. The project, as designed, will allow the property owner to construct a dwelling that meets their needs while limiting setback encroachment to the lower level and alteration of the coastal bluff.

Finding:

- C. *Granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.*

Facts in Support of Finding:

C-1. The proposed development is approximately 62.5% of the maximum allowed on the subject property. (The maximum allowable gross floor area is 7,674 square feet approximately and the total gross floor area that the applicant proposes for the subject property is 4,794 square feet). Granting the requested subterranean front yard setback encroachment allows the subject property to have a comparable dwelling size when compared to the sizes of newly-improved homes on similar parcels in the vicinity.

Finding:

D. Granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

Facts in Support of Finding:

D-1. The Zoning Code provides the flexibility in application of land use and development regulations by way of permitting Variance applications. The Variance procedure is intended to resolve practical physical hardships resulting from the unique topography and lot configurations that exist in the City and on this property. The granting of this request is consistent with the intent of the established front yard setback as the encroachment would be subterranean and not visible from Ocean Boulevard. The upper levels maintain the required setback to ensure that there would be adequate flow of air and light to adjoining properties, to provide adequate separation between structures on private property and the public right-of-way, and to provide a consistent look from the public right-of-way.

Finding:

E. Granting of the Variance will not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood.

Facts in Support of Finding:

E-1. The subject property is designated for single-family residential use and the granting of the Variance would not increase the density beyond what is planned for the area, and will not result in additional traffic, parking or demand for other services. The granting of the Variance request will not adversely impact public views from Ocean Boulevard since the subterranean front yard setback encroachment will not be visible from the street level, and will be approximately 21 feet from the existing sidewalk and 50 feet from Ocean Boulevard. The proposed encroachment will not affect the flow of air or light to adjoining residential properties in that the required 10-foot front yard setback is maintained at above grade level (at the middle and upper levels).

Finding:

- F. Granting of the Variance will not be in conflict with the intent and purpose of this Section, this Zoning Code, the General Plan, or any applicable specific plan.*

Facts in Support of Finding:

- F.1. The granting of the applicant's request is consistent with the intent of the General Plan, Coastal Land Use Plan and Zoning Code as it would not increase the density beyond what is planned for the area; will not adversely impact the designated public views from Ocean Boulevard as it adheres to the top-of-curb height restrictions; and will allow for more open coastal bluff face than is required in the Development Area C by maintaining the existing building footprint. Furthermore, the approval of the Variance does not reduce the visible front yard and is therefore compatible with the neighborhood and consistent with the intent of front yard setback requirement.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby approves Variance Permit No. VA2012-003, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 6TH DAY OF SEPTEMBER, 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Michael Toerge, Chairman

BY: _____
Fred Ameri, Secretary

EXHIBIT "A"**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

1. *The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval. It shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)*
2. *The natural bluff face shall be restored to its natural state if inadvertent alteration should occur during construction of the project.*
3. *Variance No. 2012-003 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code, unless an extension is otherwise granted.*
4. *Prior to the issuance of a building or grading permit, a waiver of future shoreline protection during the economic life of the structure (75 years) shall be executed and recorded against the property. The waiver shall be binding upon all future owners and assignees. The waiver shall be reviewed and approved by the City Attorney prior to recordation.*
5. *Accessory structures shall be relocated or removed if threatened by coastal erosion. Accessory structures shall not be expanded and routine maintenance of accessory structures is permitted.*
6. *Prior to issuance of building permits, approval from the California Coastal Commission shall be required.*
7. This approval was based on the particulars of the individual case and does not in and of itself or in combination with other approvals in the vicinity or Citywide constitute a precedent for future approvals or decisions.
8. Prior to the issuance of building permits, the applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. The plans shall comply with the City's Water Efficient Landscape Ordinance (Chapter 14.17) and Water Conservation Ordinance (Chapter 14.16) of the Municipal Code. These plans shall incorporate native, drought tolerant plantings and water efficient irrigation practices, and the plans shall be approved by the Planning Division, Public Works, and General Services Departments. All planting areas shall be provided with a permanent

underground automatic sprinkler irrigation system of a design suitable for the type and arrangement of the plant materials selected. The irrigation system shall be adjustable based upon either a signal from a satellite or an on-site moisture-sensor.

9. All new landscape materials and irrigation systems shall be maintained in accordance with the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
10. Prior to the final of building permits, the applicant shall schedule an inspection by the Code and Water Quality Enforcement Division to confirm that all landscaping on the property and within the public right-of-way was installed in accordance with the approved plan.
11. Reclaimed water shall be used whenever available, assuming it is economically feasible.
12. Water leaving the project site due to over-irrigation of landscape shall be minimized. If an incident such as this is reported, a representative from the Code and Water Quality Enforcement Division, shall visit the location, investigate, inform and notice the responsible party, and, as appropriate, cite the responsible party and/or shut off the irrigation water.
13. Watering shall be done during the early morning or evening hours (between 4:00 p.m. and 9:00 a.m.) to minimize evaporation the following morning.
14. All leaks shall be investigated by a representative from the Code and Water Quality Enforcement Division and the Applicant shall complete all required repairs.
15. Lighting shall be in compliance with applicable standards of the Zoning Code. Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites.
16. Prior to the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
17. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
18. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages,

actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the Evensen Residence Project including, but not limited to, Variance Permit No. VA2012-003. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Building Division

19. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
20. Prior to issuance of the grading permit, the project applicant shall document to the City of Newport Beach Building Division that the project is designed and will be constructed to comply with current seismic safety standards and the current City-adopted version of the Uniform Building Code.
21. *Prior to issuance of the grading permit, a geotechnical report provided by a licensed Certified Engineering Geologist or Geotechnical Engineer shall be submitted with construction drawings for plan check. The report shall include slope stability analyses and erosion rate estimates. The Building Division shall ensure that the project complies with the geotechnical recommendations included in the geologic investigation as well as additional requirements, if any, imposed by the Newport Beach Building Division. To assure stability, the development must maintain a minimum factor of safety of 1.5 against land-sliding for the economic life of the structure (75 years).*
22. *Prior to issuance of the grading permit, grading/drainage and shoring plan shall be submitted to the Building Division for review and approval.*
23. *The easterly stairway shall be removed and reconstructed on grade and it must comply with the CBC 2010 requirements.*
24. *Existing and new stairway landing shall have a dimension measured in the direction of travel not less than the width of the stairway.*
25. *The funicular shall be approved by a recognized testing agency (ASTM, ICC) and shall in compliance with the State of California Elevator Safety Code.*

26. *All projections including eaves and cantilever portion of trellis shall not be permitted to be closer than 2 feet to the property line.*
27. *All projections between 2 to 5 feet from the property line shall be one-hour rated.*
28. Where vehicles leave the construction site and enter adjacent public streets, any visible track-out extending for more than fifty (50) feet from the access point shall be swept within thirty (30) minutes of deposition.
29. The construction and equipment staging area shall be located in the least visually prominent area on the site and shall be properly maintained and/or screened to minimize potential unsightly conditions. Construction equipment and materials shall be properly stored on the site when not in use.
30. A six-foot-high screen and security fence shall be placed around the construction site during construction.
31. The applicant shall comply with SCAQMD Rule 403 requirements as follows:

Land Clearing/Earth-Moving

- a. Exposed pits (i.e., gravel, soil, dirt) with 5 percent or greater silt content shall be watered twice daily, enclosed, covered, or treated with non-toxic soil stabilizers according to manufacturers' specifications.
- b. All other active sites shall be watered twice daily.
- c. All grading activities shall cease during second stage smog alerts and periods of high winds (i.e., greater than 25 mph) if soil is being transported to off-site locations and cannot be controlled by watering.
- d. All trucks hauling dirt, sand, soil, or other loose materials off-site shall be covered or wetted or shall maintain at least two feet of freeboard (i.e., minimum vertical distance between the top of the load and the top of the trailer).
- e. Portions of the construction site to remain inactive longer than a period of three months shall be seeded and watered until grass cover is grown or otherwise stabilized in a manner acceptable to the City.
- f. All vehicles on the construction site shall travel at speeds less than 15 mph.
- g. All diesel-powered vehicles and equipment shall be properly operated and maintained.
- h. All diesel-powered vehicles and gasoline-powered equipment shall be turned off when not in use for more than 5 minutes.

- i. The construction contractor shall utilize electric or natural gas-powered equipment instead of gasoline or diesel-powered engines, where feasible.

Paved Roads

- k. Streets shall be swept hourly if visible soil material has been carried onto adjacent public paved roads. (See condition No. 34 above).
- m. Construction equipment shall be visually inspected prior to leaving the site and loose dirt shall be washed off with wheel washers as necessary.

- 32. The applicant shall employ the following best available control measures ("BACMs") to reduce construction-related air quality impacts:

Dust Control

- Water all active construction areas at least twice daily.
- Cover all haul trucks or maintain at least two feet of freeboard.
- Pave or apply water four times daily to all unpaved parking or staging areas.
- Sweep or wash any site access points within two hours of any visible dirt deposits on any public roadway.
- Cover or water twice daily any on-site stockpiles of debris, dirt or other dusty material.
- Suspend all operations on any unpaved surface if winds exceed 25 mph.

Emissions

- Require 90-day low-NOx tune-ups for off road equipment.
- Limit allowable idling to 30 minutes for trucks and heavy equipment

Off-Site Impacts

- Encourage car pooling for construction workers.
- Limit lane closures to off-peak travel periods.
- Park construction vehicles off traveled roadways.
- Wet down or cover dirt hauled off-site.
- Sweep access points daily.
- Encourage receipt of materials during non-peak traffic hours.
- Sandbag construction sites for erosion control.

Fill Placement

- The number and type of equipment for dirt pushing will be limited on any day to ensure that SCAQMD significance thresholds are not exceeded.
- Maintain and utilize a continuous water application system during earth placement and compaction to achieve a 10 percent soil moisture content in the

top six-inch surface layer, subject to review/discretion of the geotechnical engineer.

Public Works

33. All improvements shall be constructed as required by the Municipal Code and the Public Works Department.
34. *The applicant shall construct new concrete curb and gutter per City standards along Breakers Drive frontage.*
35. *The existing driveway shall be reconstructed per STD-162-L.*
36. All existing private, non-standard improvements within the public right-of-way and/or or extensions of private, non-standard improvements into the public right-of-way fronting the development site shall be removed.
37. Encroachment permit shall be required for all work activities within the public right-of-way.
38. Additional reconstruction within the public right-of-way may be required at the discretion of the Public Works Inspector in case of damage done to public improvements surrounding the development site by the applicant.
39. All on-site drainage shall comply with the latest City water quality requirements.
40. *A new sewer cleanout shall be installed on the existing sewer lateral per STD-406-L adjacent to the property line in the Breakers Drive public right-of-way.*
41. *No structural components shall be permitted to encroach into the Ocean Boulevard right-of-way, including, but not limited to tie backs and foundations for the new lower level that encroaches into the front yard setback area.*
42. *New and existing stairway and walls to Ocean Boulevard shall require City Council approval of an encroachment permit/agreement.*

Attachment No. PC 2

Draft Resolution for Denial

RESOLUTION NO. #####

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH DENYING VARIANCE PERMIT NO. VA2012-003 FOR THE EVENSEN RESIDENCE LOCATED AT 3225 OCEAN BOULEVARD (PA2012-089)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Brion Jeannette Architecture, with respect to property located at 3225 Ocean Boulevard, and legally described as southeasterly one-half of Lot 14 and northwesterly one-half of Lot 15 of Tract 1026.
2. The applicant requests approval of a Variance to allow the construction of a new 3-level, single-family residence with the lower level encroaching 10 feet into the required 10-foot front yard setback.
3. The subject property is located within the Single-Unit Residential (R-1) Bluff Overlay Zoning District and the General Plan Land Use Element category is Single-Unit Residential Detached (RS-D).
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-A (Single-Unit Residential Detached).
5. A public hearing was held on September 6, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.18.030 (Residential Zoning Districts General Development Standards), a 10-foot front yard setback is required for development of the subject property per Setback Map #S-10B. The topographic and regulatory constraints do not preclude the construction of a residence that would be compatible with surrounding lots. The proposed residence can be redesigned to comply with the required development standards and approval of the Variance is not necessary to preserve this substantial property right.

The Planning Commission may approve a variance only after making each of the required findings set forth in Section 20.52.090 (Variances). In this case, the Planning Commission was unable to make the required findings based upon the following:

1. The Planning Commission determined, in this case, that the proposed Variance for the proposed single-family residential unit is not consistent with the legislative intent of Title 20 of the NBMC and that findings required by Section 20.52.090 are not supported in this case. The proposed project may prove detrimental to the community.
2. The design, location, size, and characteristics of the proposed project are not compatible with the single-family residences in the vicinity. The development may result in negative impacts to residents in the vicinity and would not be compatible with the enjoyment of the nearby residential properties.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby denies Variance No. VA2012-003.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED AND ADOPTED THIS 6th DAY OF SEPTEMBER, 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Michael Toerge, Chairman

BY: _____
Fred Ameri, Secretary

Attachment No. PC 3

Project Development Elements

Attachment PC 3 Project Development Elements

PROJECT ELEMENTS	REQUIRED OR PERMITTED	PROPOSED
Lot Size	6,817 sf.	No Change
Buildable area (lot minus setback areas)	5,116 sf.	No Change
Maximum gross floor area (1.5 x buildable area)	7,674 sf. (5,116 x 1.5)	Complies. Total :4,794 sf. Main Dwelling: Upper Level: 794 sf. Middle Level: 1,293 sf. Lower Level: 1,793 sf. 3-car garage & exercise room: 914 sf.
Development Area A per Bluff Overlay District (between 48-ft. contour line and property line adjacent to Ocean Blvd. & between the 33-ft. contour line and property line adjacent to Breakers Dr.)	Principal & accessory structures (BBQs, decks, patio covers, fences & walls, gazebos, fireplaces & fire pits, porches, spas & hot tubs, swimming pools, terrace, & similar structures)	Complies. Main Dwelling: between 56-ft. contour line and property line adjacent to Ocean Blvd Garage Structure: between 13-ft. contour line and property line adjacent to Breakers Dr.
Development Area C per Bluff Overlay District (between 33-foot and 48-ft. contour lines)	Limited accessory structures (covered walkways, benches, guardrails & handrails, on-grade stairways, drainage devices, landscaping/irrigation systems, on-grade trails, property line fences & walls, & similar structures)	Complies. On-grade stairways (existing & new) & funicular
Building Height Limits:		
	<ul style="list-style-type: none"> •24 ft. flat roof/29 ft. pitched roof above natural grade (NG) •Top of curb (TOC) @ 88.22' (Md. Pt.) 	Complies – 24 ft./28 ft. Complies - Top of elevation: 88.20'
Setbacks:		
Front (Ocean Blvd.):	10 ft.	Variance Required. Upper Level: 10 ft. Middle Level: 10 ft. Lower Level: 0 ft. ¹
Sides:	4 ft.	Complies. 4 ft.
Rear (Breakers Dr):	5 ft.	Complies. 5 ft.
Parking	3 spaces	Complies. 3-car garage

¹Variance requested

Attachment No. PC 4

Green Zone Exhibit

Attachment No. PC 5

Project Plans



AERIAL PHOTO

LEGAL OWNER

CHRIS & FELICIA EVENSEN
3225 OCEAN BLVD.
CORONA DEL MAR, CA 92625
CONTACT: BRION JEANNETTE ARCHITECTURE
(949) 645-5854

LEGAL DESCRIPTION

PROJECT ID: TRACT 1026, 1/2 OF LOT 14
& 1/2 OF LOT 15
A. P. NUMBER 052-120-15
AREA: CORONA DEL MAR
CITY: NEWPORT BEACH
COUNTY: ORANGE

SCOPE OF WORK

DEMOLISH EXISTING HOUSE AND CONSTRUCT
A NEW THREE LEVEL SINGLE FAMILY
RESIDENCE WITH A TWO STORY DETACHED
GARAGE BUILDING.

NOTE:
BRION S. JEANNETTE IS THE D.P.I.R.C. -
THE REGISTERED DESIGN PROFESSIONAL IN
RESPONSIBLE CHARGE SHALL BE RESPONSIBLE FOR
REVIEWING AND COORDINATING SUBMITTAL
DOCUMENTS PREPARED BY OTHERS, INCLUDING
PHASED AND DEFERRED SUBMITTAL ITEMS, FOR
COMPATIBILITY WITH THE DESIGN OF THE BUILDING
DO NOT SCALE DRAWINGS

CONSULTANTS

GEOTECHNICAL:
GEOFIRM
801 GLENNEYRE ST, SUITE F
LAGUNA BEACH, CA 92651
(949) 494-2122

SURVEYOR:
RSA CONSULTANTS, INC.
34 GEORGETOWN
IRVINE, CA 92612
(949) 509-0909

DESIGN DATA

CITY: NEWPORT BEACH
ZONE: R-1
CODE: 2010 CRC, 2010 CBC, 2010 CPC
2010 CEC, 2010 CMC, 2008 BUILDING
ENERGY EFFICIENCY STANDARDS (BEES)
2010 CAL GREEN BUILDING STANDARDS
SFD
USE:
CONSTRUCTION TYPE: VB (SPRINKLERED)
OCCUPANCY: R-3/U
SETBACKS:
FRONT: 10'-0"
REAR: 5'-0"
SIDE: 4'-0"
MAXIMUM HEIGHT: TOP OF CURB @ 88.22' (MD. PT.)
24'/29' ABV. N.G.

SQUARE FOOTAGE CALCS.

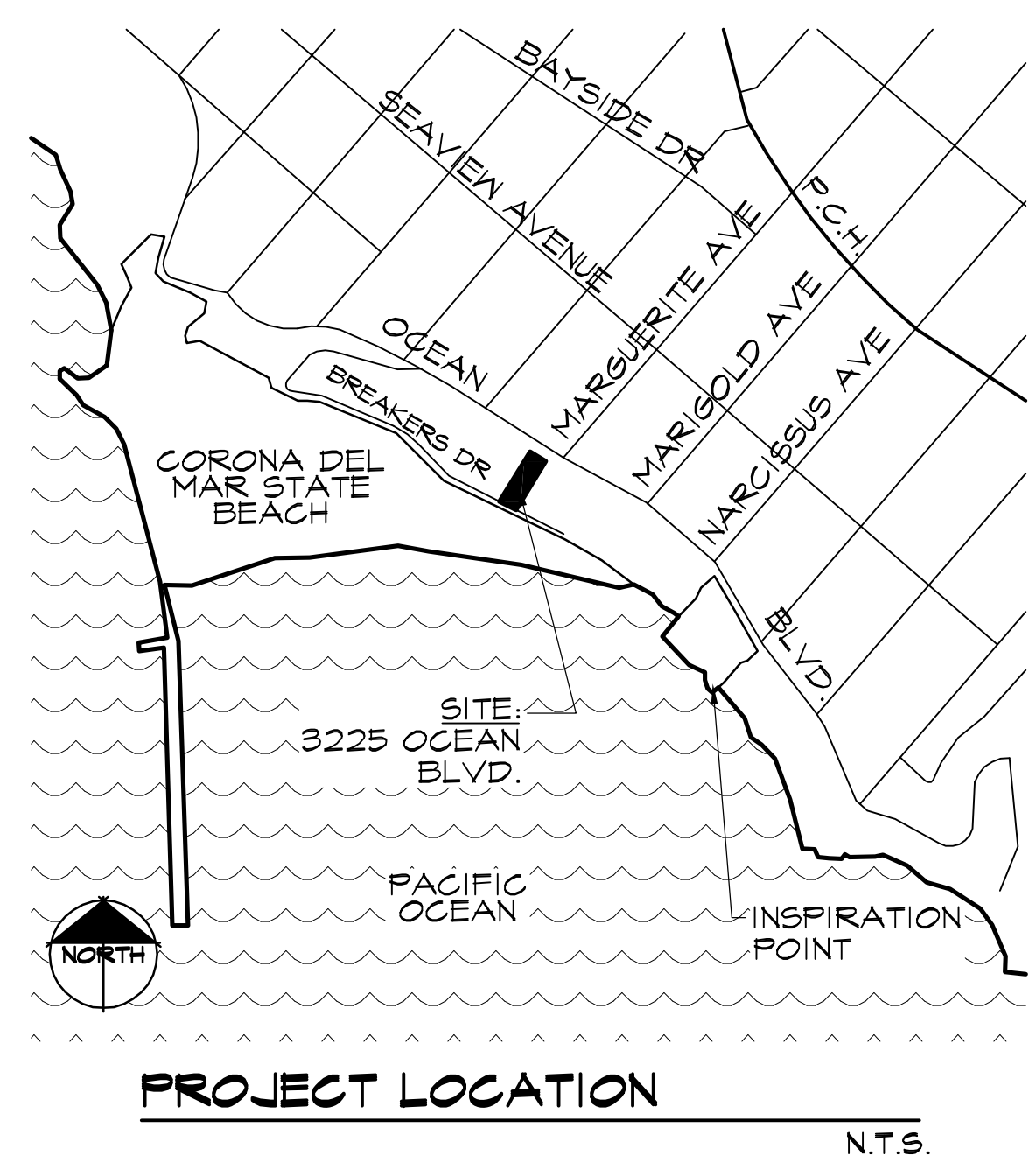
LOT SIZE:	6,817	S.F.
MAX. LIVABLE: (1.5 x 5,116)	7,674	S.F.
UPPER LEVEL:	794	S.F.
MIDDLE LEVEL:	1,293	S.F.
LOWER LEVEL:	1,724	S.F.
EXERCISE AT GARAGE LEVEL:	263	
TOTAL LIVABLE:	4,074	S.F.
LOWER LEVEL MECH.:	69	S.F.
3-CAR GARAGE	651	S.F.
TOTAL STRUCTURE:	4,794	S.F.
GARAGE ROOF DECK	610	S.F.

SHEET INDEX

T-1 SITE CONTEXT PLAN & INFORMATION
A-1 SITE PLAN
A-2 GARAGE & LOWER LEVEL FLOOR PLANS
A-3 MIDDLE LEVEL, UPPER LEVEL FLOOR PLANS, AND ROOF PLAN
A-4 EXTERIOR ELEVATIONS
A-5 EXTERIOR ELEVATIONS
A-6 BUILDING SECTIONS
L-1 PRELIMINARY LANDSCAPE PLAN
TS-1 TOPOGRAPHIC SURVEY

EXHIBIT GRADE PLANE EXHIBIT 2

VICINITY MAP



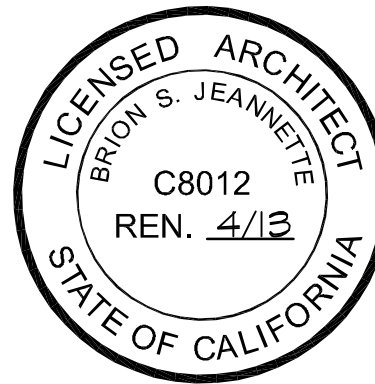
AKROTIRI
3225 OCEAN BLVD.
CORONA DEL MAR, CA

Brion Jeannette Architecture

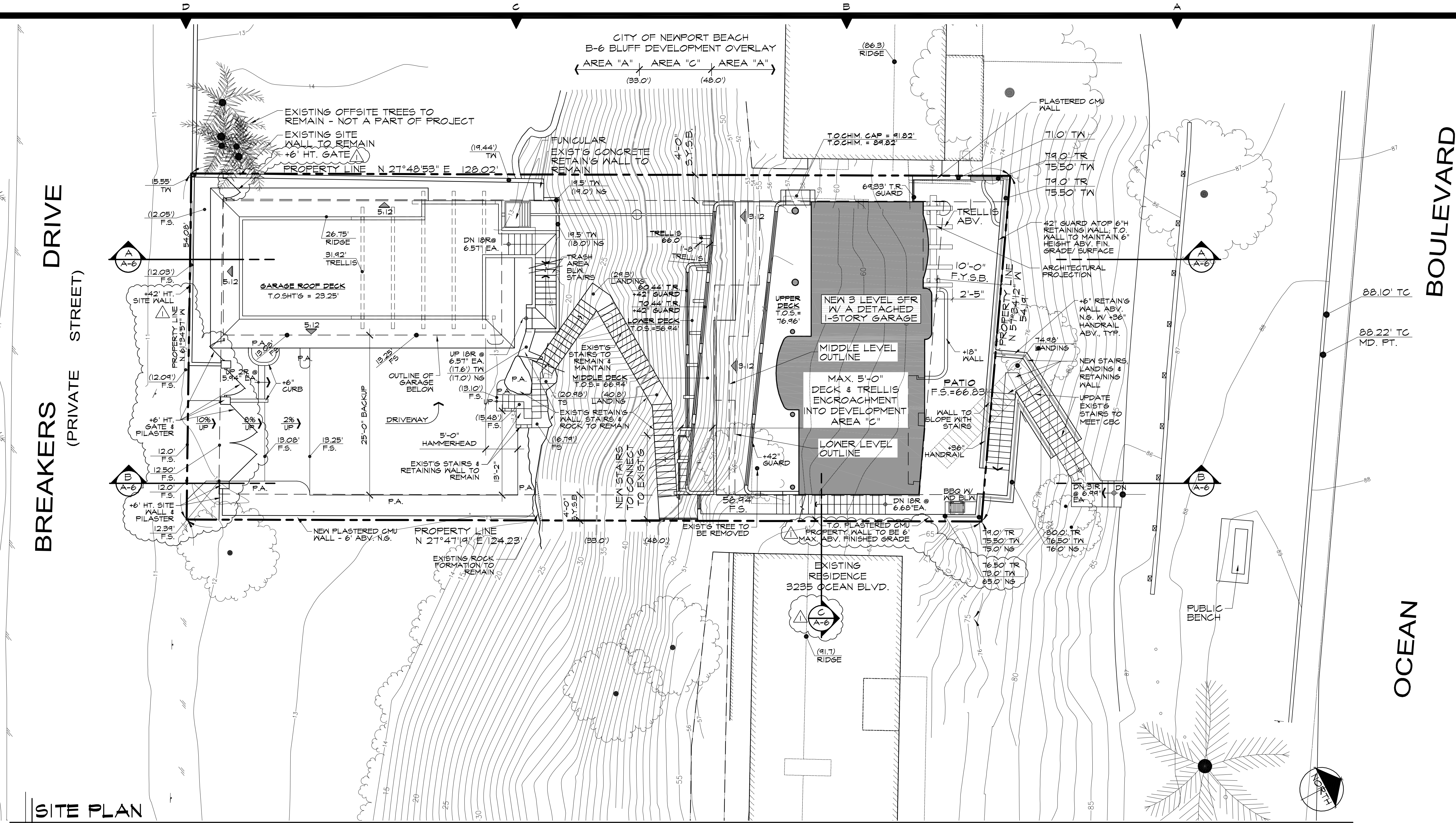
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MEMBERS AIA & NCARB • ENERGY CONSCIOUS DESIGN

SITE CONTEXT PLAN
& INFORMATION

Date:
CITY REVIEW
Revision: 2012.7.17 / 1
CITY REVIEW
Revision: 2012.8.2 / 2
Revision:
Revision:
Revision:
Job No: 09-037

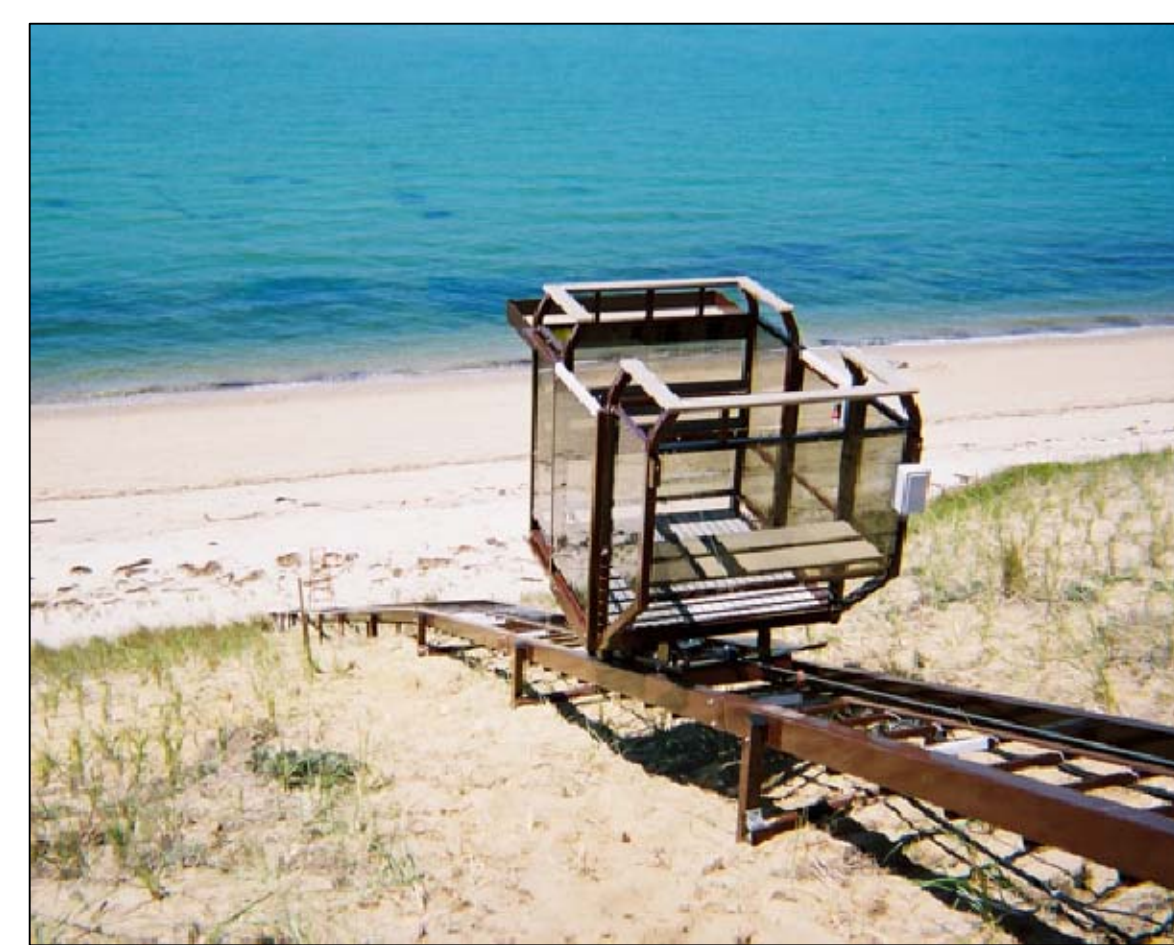


T-1



SITE PLAN

SCALE: 1/8" = 1' - 0"



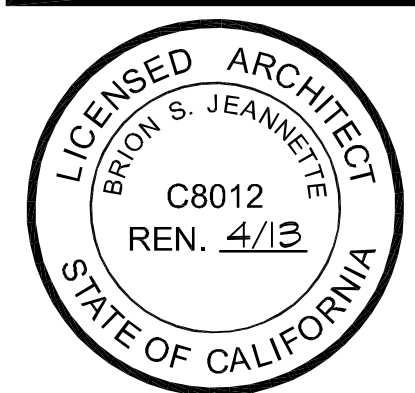
EXAMPLES OF VARIOUS FUNICULARS

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SITE
PLAN

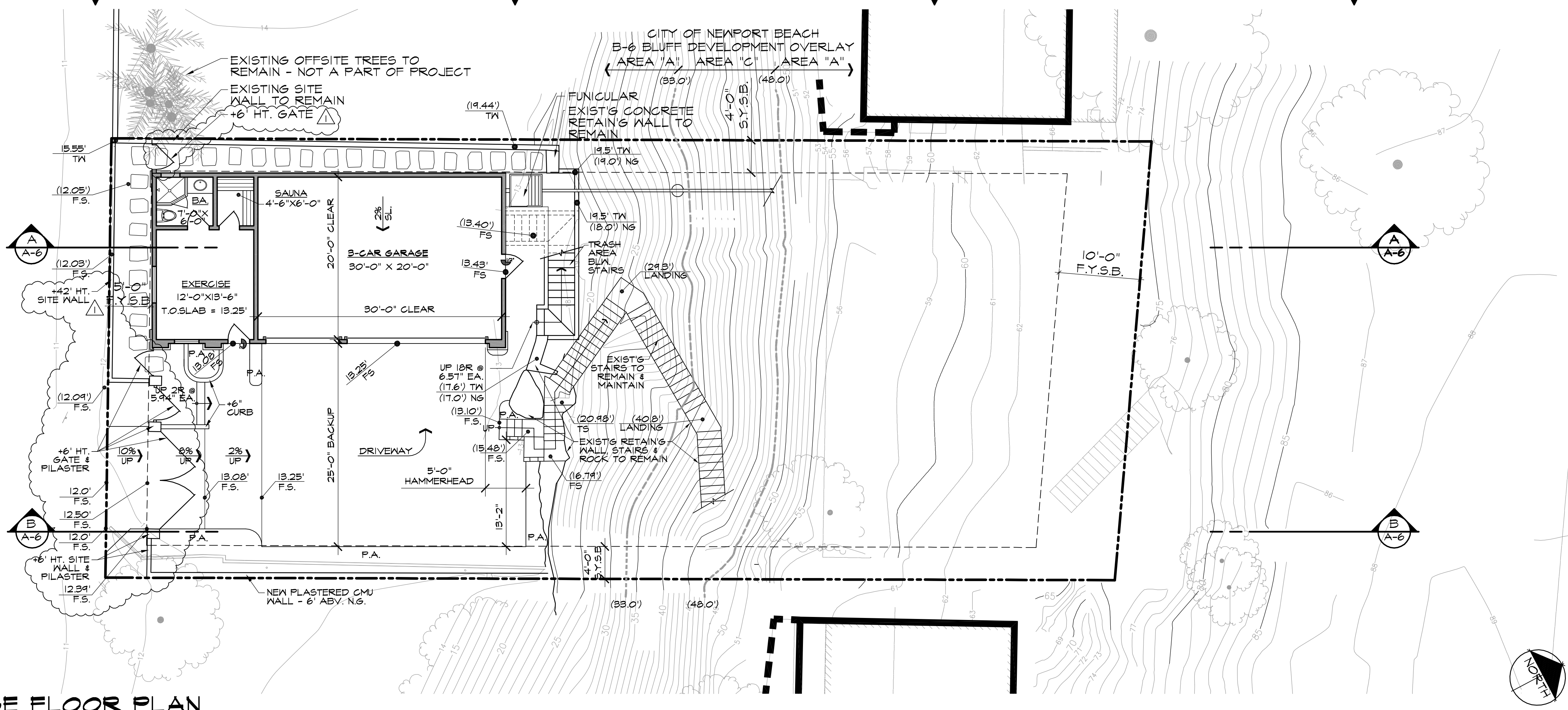
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Revision:	2012.7.17
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Job No:	09-037



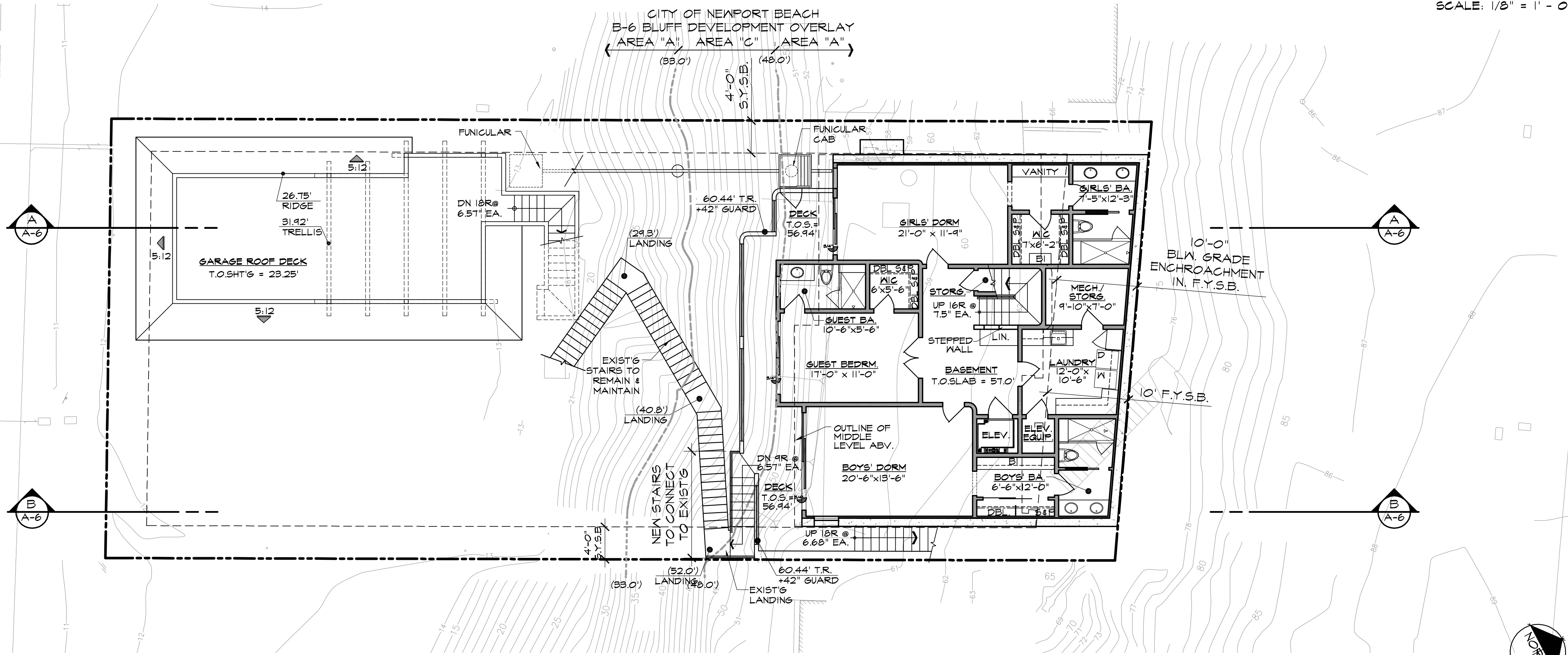
A-1

BREAKERS DRIVE
(PRIVATE STREET)
BREAKERS DRIVE

GARAGE FLOOR PLAN



LOWER LEVEL FLOOR PLAN



BOULEVARD

OCEAN BLVD.

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CORONA DEL MAR, CA

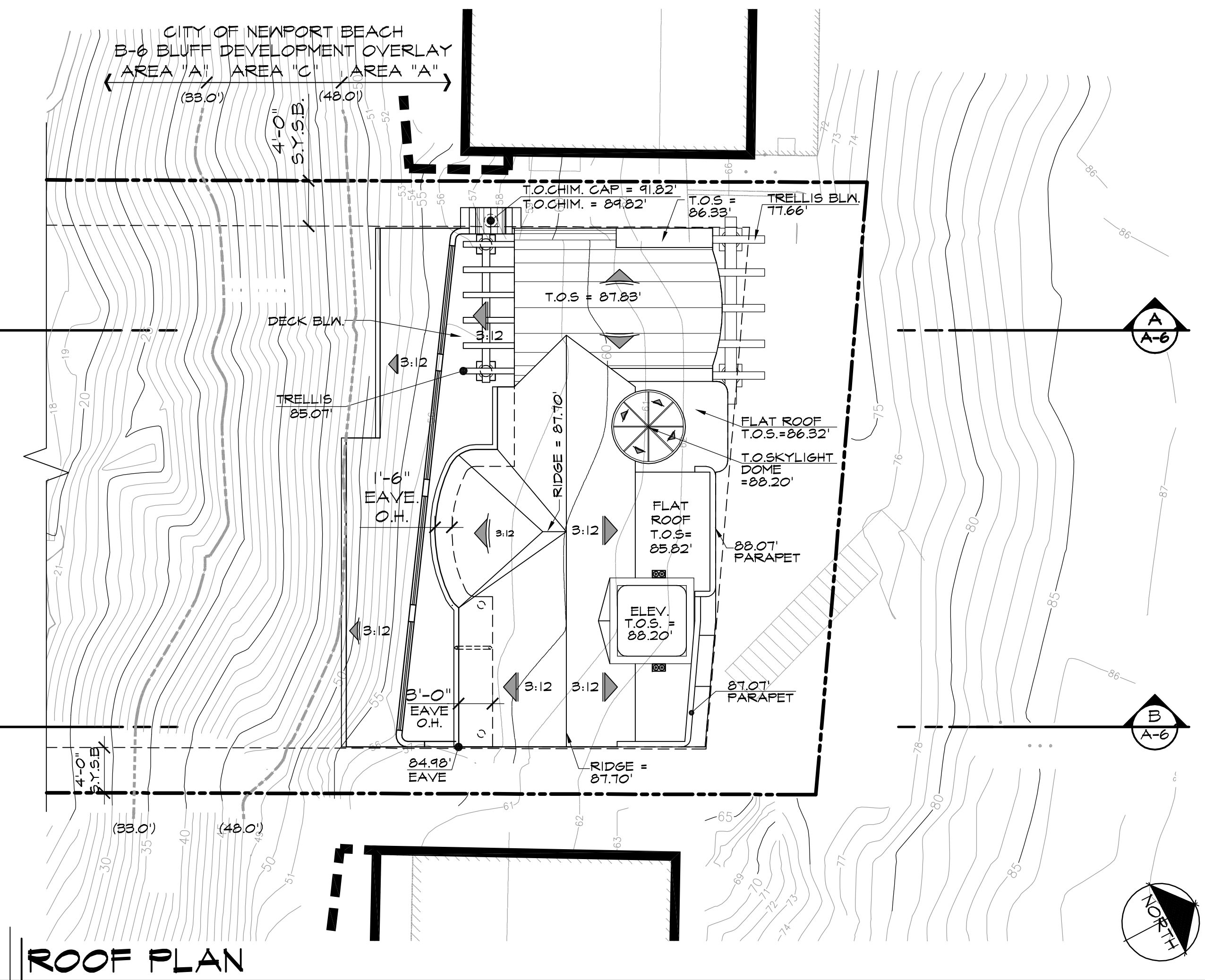
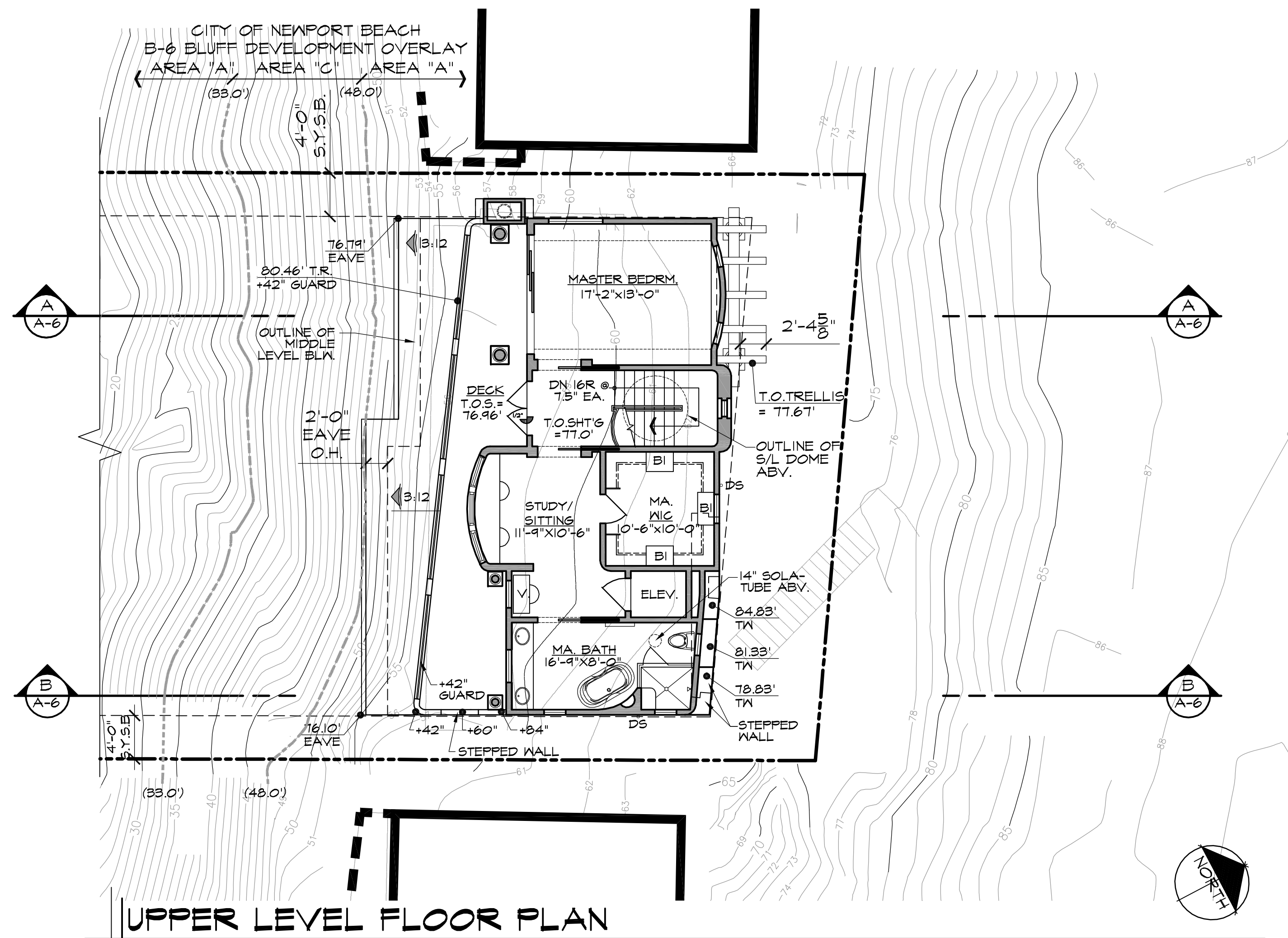
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GARAGE &
LOWER LEVEL
FLOOR PLANS

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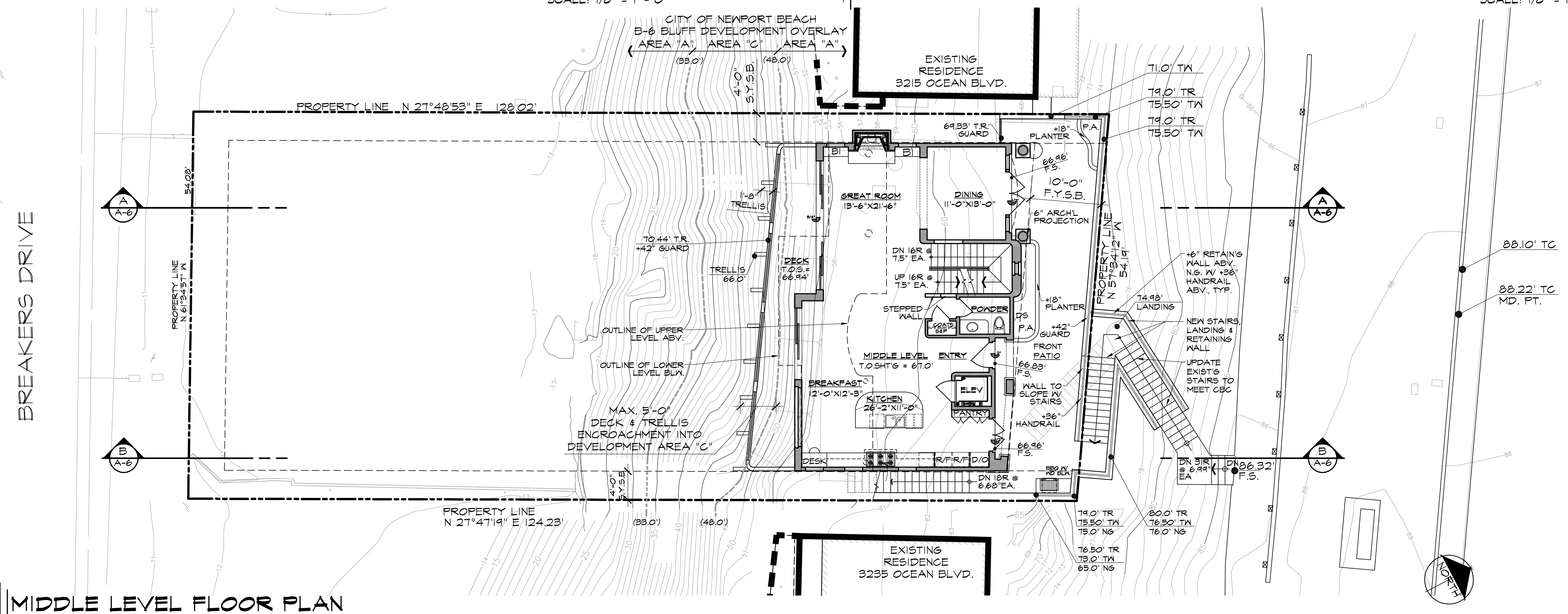


A-2



SCALE: 1/8" = 1' - 0"

SCALE: 1/8" = 1' - 0"



SCALE: 1/8" = 1' - 0"

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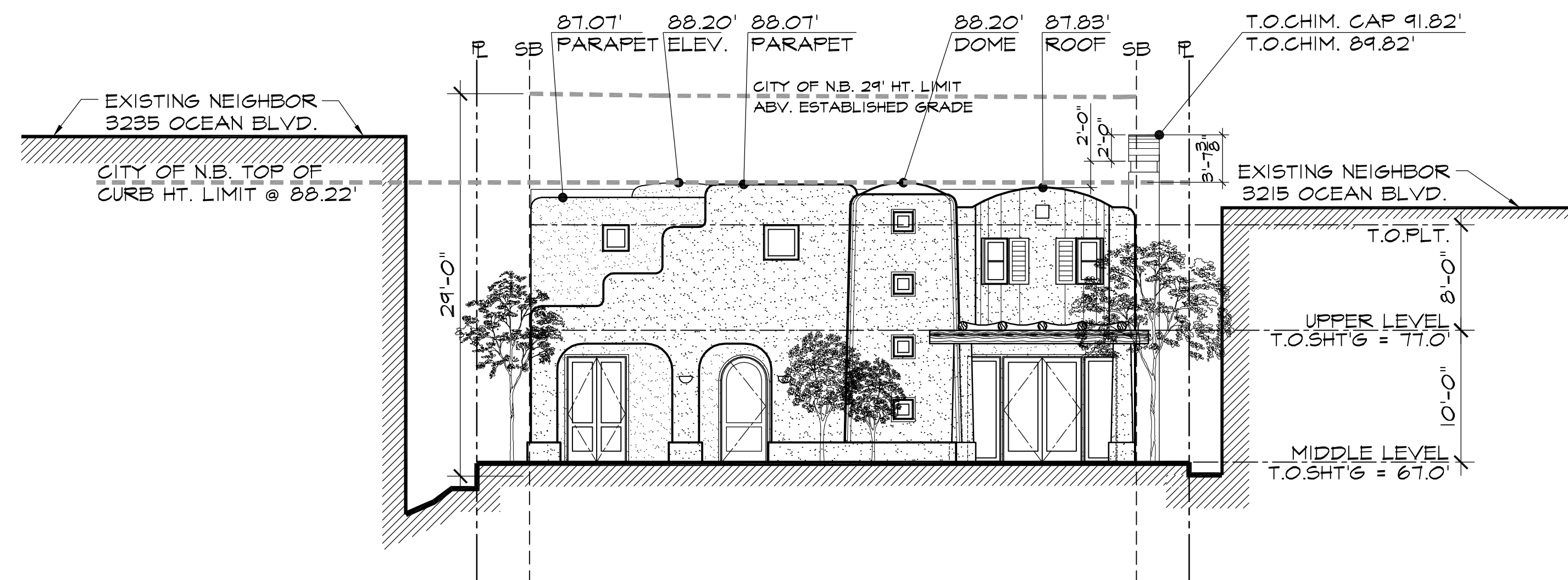
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MIDDLE & UPPER
FLOOR PLANS
& ROOF PLAN

Date:
Revision:
Revision:
Revision:
Revision:
Job No: 09-037

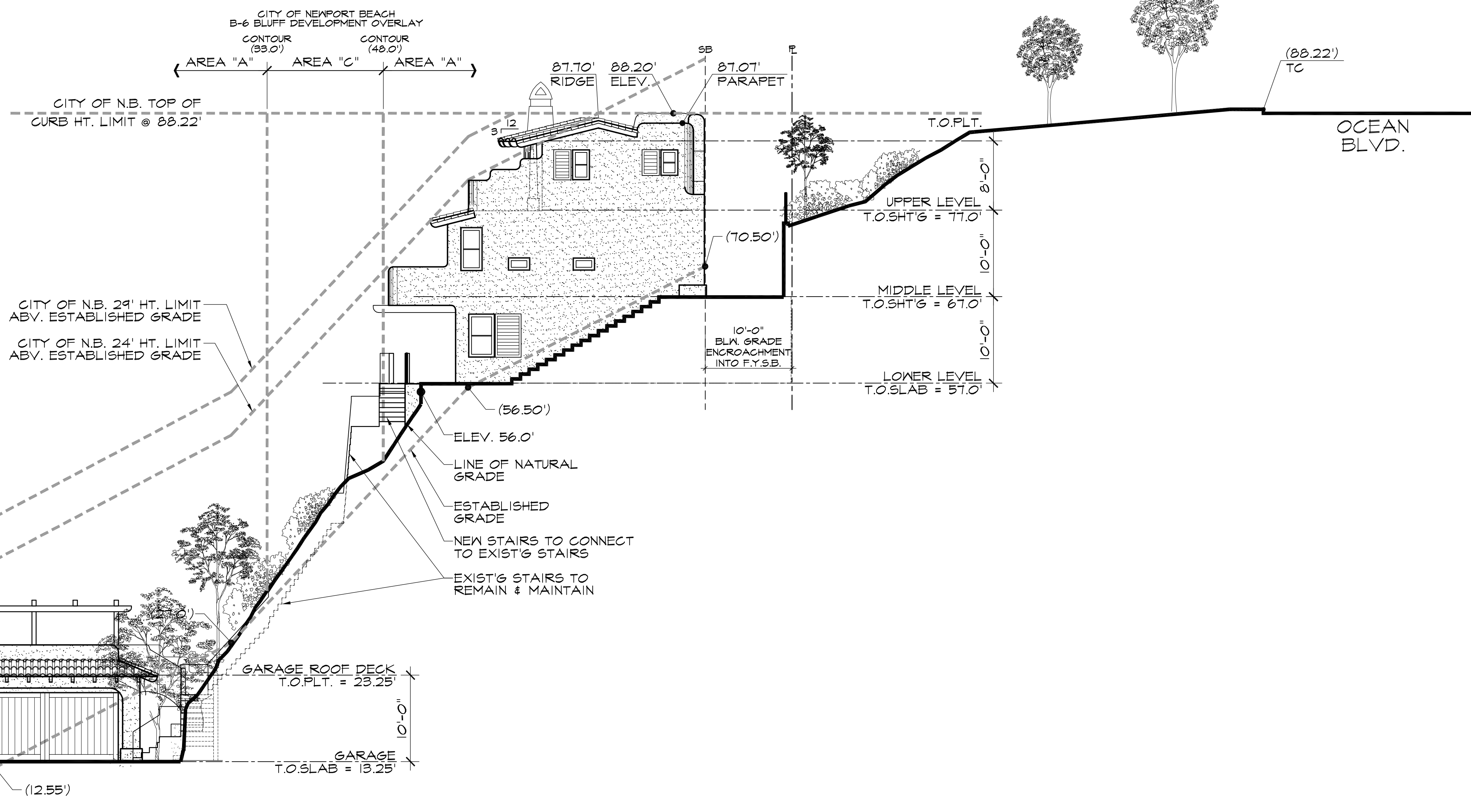
LICENSED ARCHITECT
BRION S. JEANNETTE
C8012
REN. 4/13
STATE OF CALIFORNIA

A-3



NORTH ELEVATION

SCALE: 1/8" = 1' - 0"



EAST ELEVATION

SCALE: 1/8" = 1' - 0"

EXTERIOR FINISH SPECIFICATIONS:

1. **EXTERIOR PLASTER:**
EXTERIOR PLASTER 0/ (2) LAYER GRADE D PAPER AT BUILDING FIELD TO RECEIVE A SMOOTH TEXTURE. FINAL COLOR COAT TO BE OMEGA AKROFLEX OR OMEGAFLEX, COLOR TO BE DETERMINED. COLOR TO BE APPROVED BY ARCHITECT PRIOR TO APPLICATION.
2. **ROOFING:**
ROOF TILE TO BE 2 PIECE BARREL TILES BY REDLAND. COLOR TO BE DETERMINED. ROOF MATERIAL AT FLAT ROOF TO BE CLASS 'A' BUILT-UP ROOFING IN ACCORDANCE WITH SPEC. EQUIVALENT TO GAF SPEC# N-1-2-20/ M6PFR. GAF RUBEROID 20 INTERPLY, HOT MOPPED BETWEEN LAYERS 0/ GAF #75 BASE SHEET. APPLY GAF MOP GRANULE PLUS CAP SHEET AT FLAT ROOFS.
3. **WOOD:**
WOOD TO BE SEALED, STAIN GRADE MAHOGANY. COLOR TO BE DETERMINED.
4. **DECK RAILING:**
METAL HANDRAILS WITH OIL-RUBBED BRONZE FINISH.
5. **DOORS/ WINDOWS:**
DOORS AND WINDOWS TO BE ALUMINUM-CLAD WOOD WITH KYNAR 500 FINISH BY TO BE DETERMINED.
6. **RAIN COLLECTION SYSTEM & EXPOSED METAL FLASHING:**
GUTTERS, DOWNSPOUTS, COLLECTIONS BOXES ARE TO BE POWDER COATED ALUMINUM. COLOR TO BE DETERMINED.
7. **SHUTTER:**
SHUTTER TO BE OPERABLE IN PLANK STYLE WITH WROUGHT IRON SHUTTER DOGS. WOOD TO BE PAINTED REDWOOD TO MATCH BLUE.

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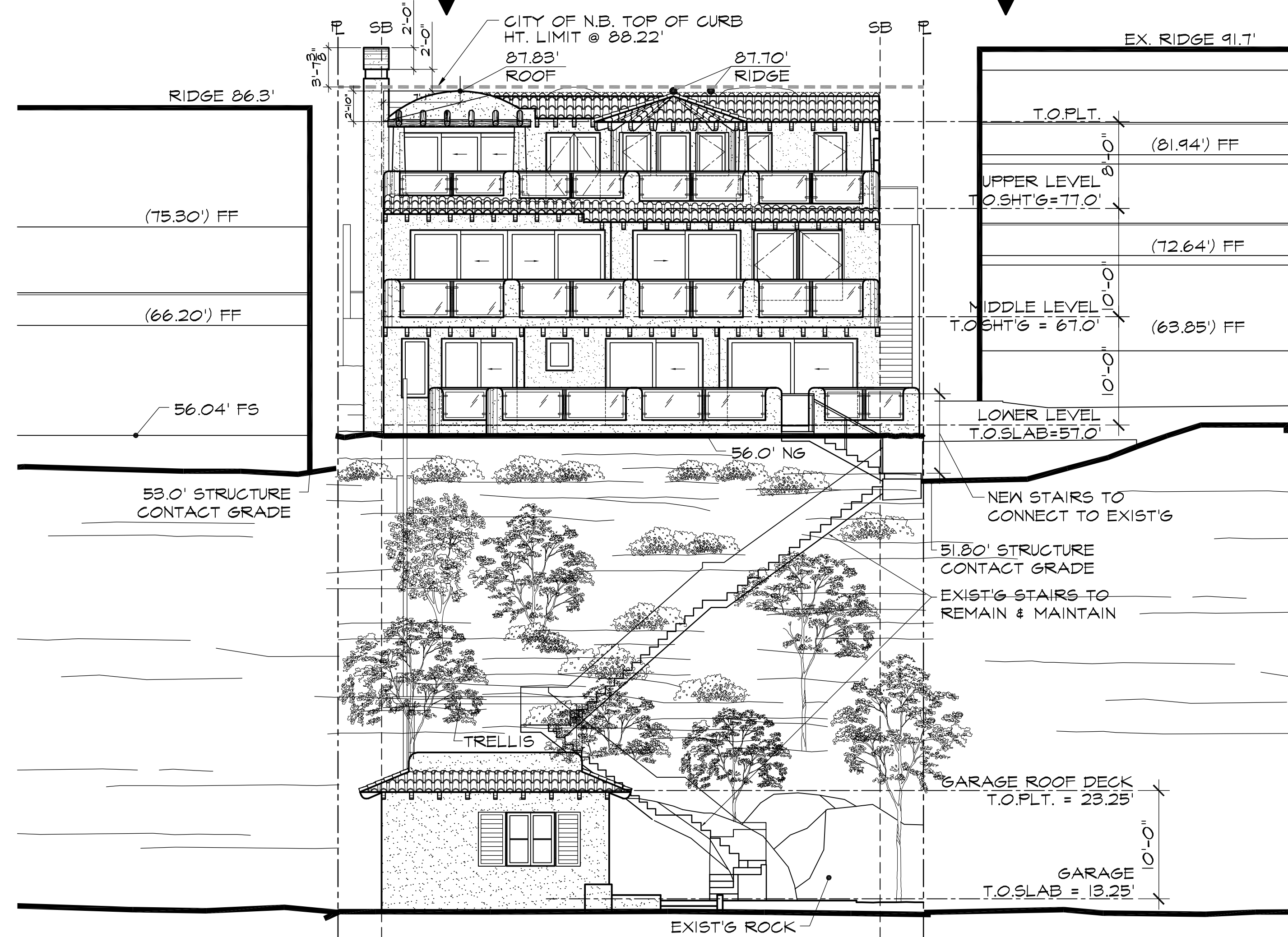
EXTERIOR
ELEVATIONS

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Revision:
Revision:
Revision:
Job No: 09-037

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REN. 4/13
STATE OF CALIFORNIA

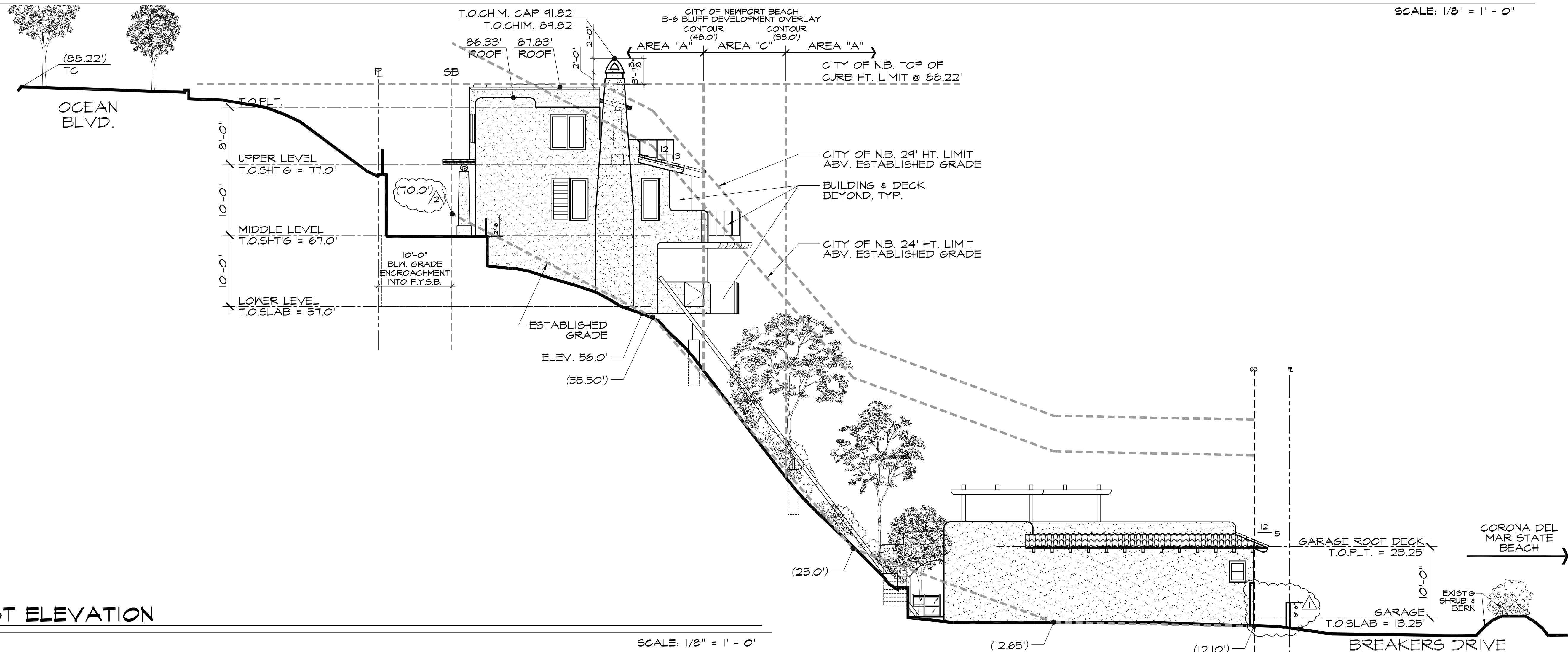
A-4

SOUTH ELEVATION



SCALE: 1/8" = 1' - 0"

WEST ELEVATION



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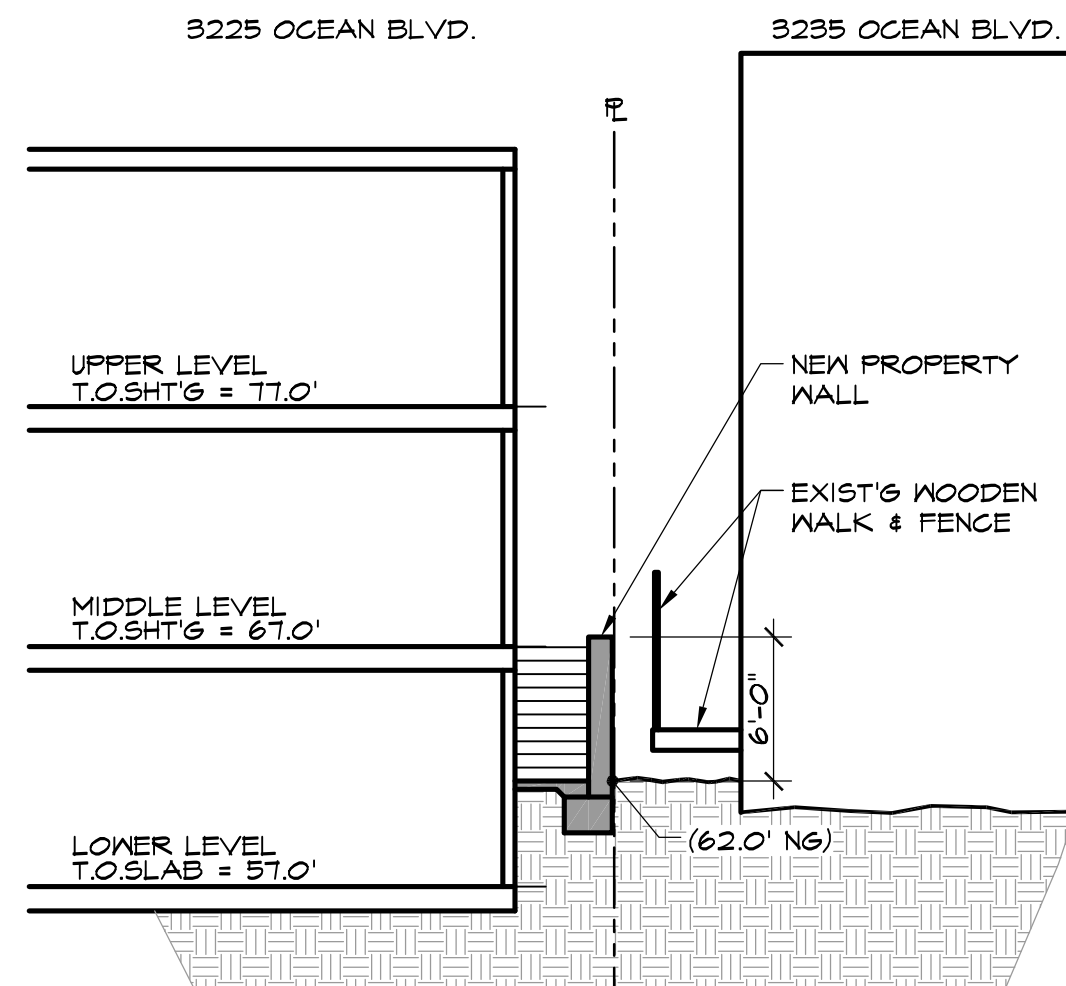
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EXTERIOR
ELEVATIONS

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Revision:
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STATE OF CALIFORNIA

A-5



SECTION C

SCALE: 1/8" = 1' - 0"

STATE BEACH

GARAGE ROOF DECK/
T.O. PLT. = 23.25'

GARAGE
T.O. SLAB = 13.25'

BREAKERS DRIVE

BARREL ROOF PITCH CALCULATION

RISE/ RUN = % SLOPE
3:12 PITCH = 25% SLOPE
2.53(RISE) / 7(RUN) = 40.4% SLOPE
40.40% (+4:12) > 25% (3:12)

24' HT. LIMIT ABV. ESTAB. GRADE AT
FACE OF THE BARREL DOME @ 88.32'
(THIS IS TAKEN AT THE WORST CASE SCENARIO)
(NOTE: TOP OF CURB HT. LIMIT @ 88.22')

24' HT. LIMIT ABV. ESTAB. GRADE @ 88.32'

UPPER LEVEL
T.O. SHT'G = 77.0'

BARREL ROOF PITCH CALC. 2

SCALE: 1/4" = 1' - 0"

STATE BEACH

BREAKERS DRIVE

CITY OF N.B. HT. LIMIT
TOP OF CURB @ 88.22'

CITY OF N.B. HT. LIMIT
TOP OF CURB @ 88.22'

CITY OF N.B. 24'
HEIGHT LIMIT ABV.
ESTABLISHED GRADE

CITY OF N.B. 24'
HEIGHT LIMIT ABV.
ESTABLISHED GRADE

CITY OF N.B. 24'
HEIGHT LIMIT ABV.
ESTABLISHED GRADE

CITY OF N.B. 24'
HEIGHT LIMIT ABV.
ESTABLISHED GRADE

SECTION A

SCALE: 1/8" = 1' - 0"

SECTION B

SCALE: 1/8" = 1' - 0"

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BUILDING
SECTIONS

Date:
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Revision 2012.1.17
CITY REVIEW
Revision 2012.2.2
Revision:
Revision:
Revision:
Job No: 09-037

LICENSED ARCHITECT
BRION S. JEANNETTE
C8012
REN. 4/13
STATE OF CALIFORNIA

A-6

LANDSCAPE PLAN

SCALE: 1/8" = 1' - 0"

PLANTING LEGEND:

SHRUBS & GROUNDCOVERS

SYMB.	BOTANICAL NAME/ COMMON NAME	SIZE	MATURE HT./WIDTH
	SALVIA THYMOIDES BLUE SAGE	5 GAL.	2'X3'
	BOUGAINVILLEA SUP. BOUGAINVILLEA	5 GAL.	6'X3'
	PAYONIA LASIOPETALA TEXAS ROCK ROSE	5 GAL.	3'X2'
	ERYSIMUM HYERACIFOLIUM SIBERIAN WALLFLOWER	5 GAL.	3'X6'
	AEONIUM DECORUM N.C.N.	5 GAL.	8'X8'
	LIMONIUM PEREZII SEA LAVENDER	5 GAL.	3'X3'
	HETEROMELES ARBUTIFOLIA TOYON	5 GAL.	6'X10'
	ALOE STRIATA CORAL ALOE	5 GAL.	2'X2'
	COTYLEDON ORBICULATA PIG'S EAR	5 GAL.	2'X2'
	KNIPHOFIA UVARIA BEE'S SUNSET TORCH LILY	5 GAL.	3'X3'

TREES

SYMB.	BOTANICAL NAME/ COMMON NAME	SIZE	MATURE HT./WIDTH
	ACACIA CULTRIFORMIS KNIFE ACACIA	24" BOX	15' X 15'
	BRAHEA ARMATA MEXICAN BLUE PALM	24" BOX	40' X 6' HEAD
	CAMISSONIA CHERIANTHIFOLIA 5 GAL. (BEACH EVENING PRIMROSE)	6'X2'	
	LAMP RANTHUS SPP. (ICE PLANT)	GROUND COVER	

IRRIGATION NOTES:

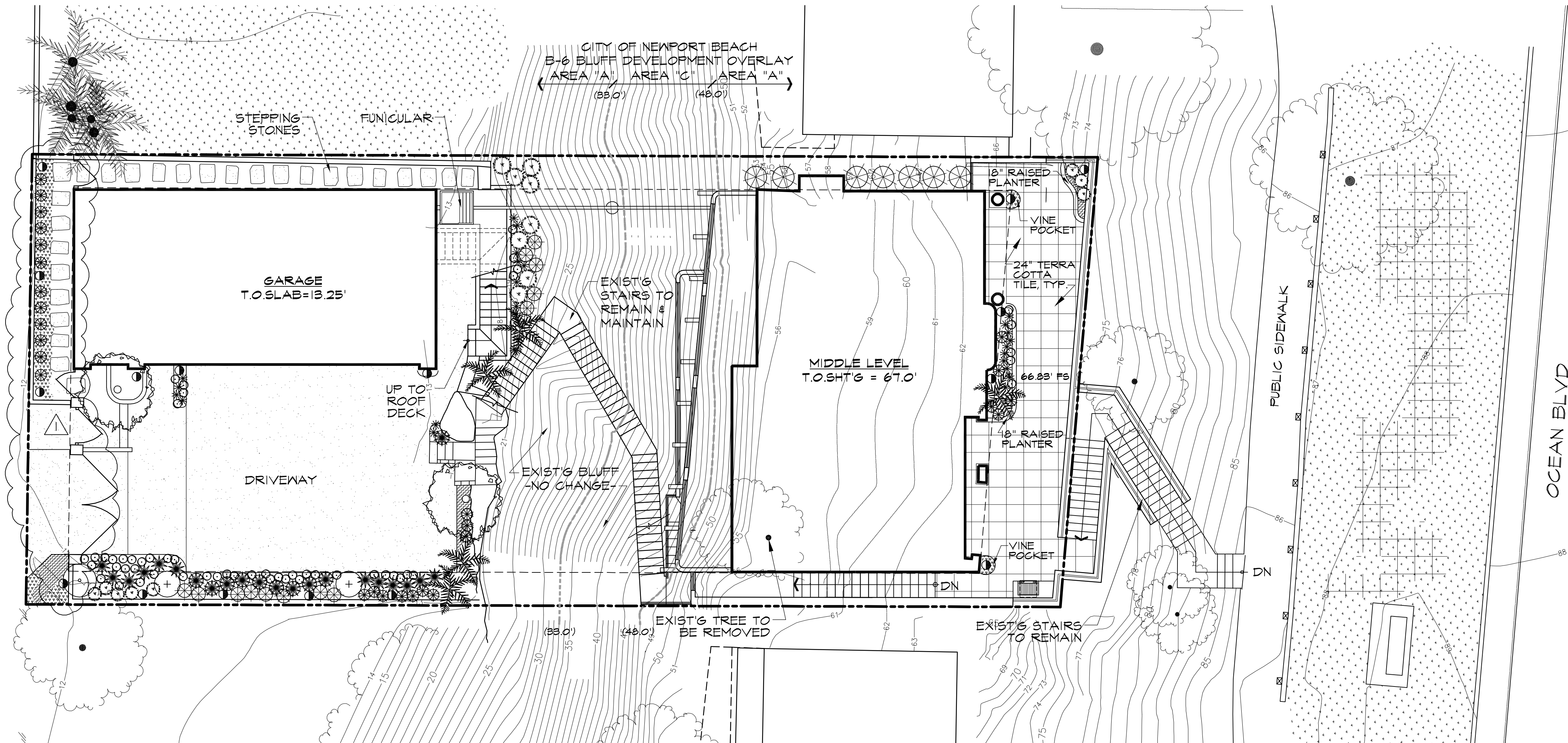
- DRAIN INLETS IN LANDSCAPE AREAS >20' FROM THE TOP OF BLUFF WILL BE PLACED 1/2" ABOVE FINISHED GRADE TO PROVIDE FOR LOW-FLOW INFILTRATION AND REDUCE THE POTENTIAL FOR SEDIMENT ENTERING THE SITE DRAINAGE SYSTEM.
- NO PERMANENT IRRIGATION SYSTEM SHALL BE UTILIZED ON THE COASTAL BLUFF. EXISTING IN-GROUND IRRIGATION SYSTEMS WITHIN THE BLUFF AREA SHALL BE DISCONNECTED AND CAPPED.
- TEMPORARY ABOVE GROUND IRRIGATION ON THE COASTAL BLUFF TO ALLOW THE ESTABLISHMENT OF THE PLANTINGS IS ALLOWED.
- THE TEMPORARY IRRIGATION SYSTEM SHALL HAVE AN AUTOMATIC IRRIGATION CONTROLLER TO ENSURE EFFICIENT WATER DISTRIBUTION. AUTOMATIC IRRIGATION CONTROLLERS SHALL BE EASILY ADJUSTABLE SO THAT SITE WATERING WILL BE APPROPRIATE FOR DAILY SITE WEATHER CONDITIONS. AUTOMATIC CONTROLLERS SHALL HAVE RAIN SHUTOFF SENSOR DEVICES SO THE IRRIGATION SYSTEMS WILL NOT UNNECESSARILY OPERATE ON RAINY DAYS.
- ALL PLANTINGS SHALL BE MAINTAINED IN GOOD CONDITION THROUGHOUT THE LIFE OF THE PROJECT, AND WHEN NECESSARY SHALL BE REPLACED WITH NEW PLANT MATERIALS.
- IRRIGATION SYSTEM SHALL HAVE AN AUTOMATIC IRRIGATION CONTROLLER TO ENSURE EFFICIENT WATER DISTRIBUTION. AUTOMATIC IRRIGATION CONTROLLERS SHALL BE EASILY ADJUSTABLE SO THAT SITE WATERING WILL BE APPROPRIATE FOR DAILY SITE WEATHER CONDITIONS. AUTOMATIC CONTROLLERS SHALL HAVE RAIN SHUTOFF SENSOR DEVICES SO THE IRRIGATION SYSTEMS WILL NOT UNNECESSARILY OPERATE ON RAINY DAYS.

LANDSCAPE NOTES:

- ALL PLANTING SHALL PROVIDE 90% COVERAGE WITHIN 90 DAYS AND SHALL BE REPEATED IF NECESSARY TO PROVIDE SUCH COVERAGE.
- ALL PLANTINGS SHALL BE MAINTAINED IN GOOD CONDITION THROUGHOUT THE LIFE OF THE PROJECT, AND WHEN NECESSARY SHALL BE REPLACED WITH NEW PLANT MATERIALS.
- LANDSCAPED AREAS NOT OCCUPIED BY HARDSCAPE SHALL BE PLANTED AND MAINTAINED FOR SLOPE STABILITY AND EROSION CONTROL.
- TO MINIMIZE THE NEED FOR IRRIGATION AND MINIMIZE ENCROACHMENT OF NON-NATIVE PLANT SPECIES INTO ADJACENT OR NEARBY NATIVE PLANT AREAS, ALL LANDSCAPE SHALL CONSIST OF NATIVE AND DROUGHT TOLERANT PLANT SPECIES.
- NO PLANT SPECIES LISTED AS PROBLEMATIC AND/OR INVASIVE BY THE CALIFORNIA NATIVE PLANT SOCIETY, THE CALIFORNIA EXOTIC PEST PLANT COUNCIL, OR AS MAY BE IDENTIFIED FROM TIME TO TIME BY THE STATE OF CALIFORNIA SHALL BE EMPLOYED OR ALLOWED TO NATURALIZE OR PERSIST ON THE SITE.
- NO PLANT SPECIES LISTED AS A 'NOXIOUS WEED' BY THE STATE OF CALIFORNIA OR THE U.S. FEDERAL GOVERNMENT SHALL BE UTILIZED WITHIN THE PROPERTY.
- ANY EXISTING LANDSCAPING THAT DOESN'T MEET THE ABOVE REQUIREMENTS SHALL BE REMOVED.
- DO NOT SCALE DRAWINGS.

CORONA DEL MAR
STATE BEACH

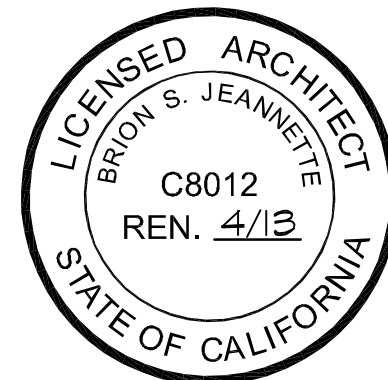
BREAKERS DRIVE
(PRIVATE STREET)

PRELIMINARY
LANDSCAPE PLAN

Date:
CITY REVIEW
Revision: 2012.1.17

Revision:
Revision:
Revision:
Revision:

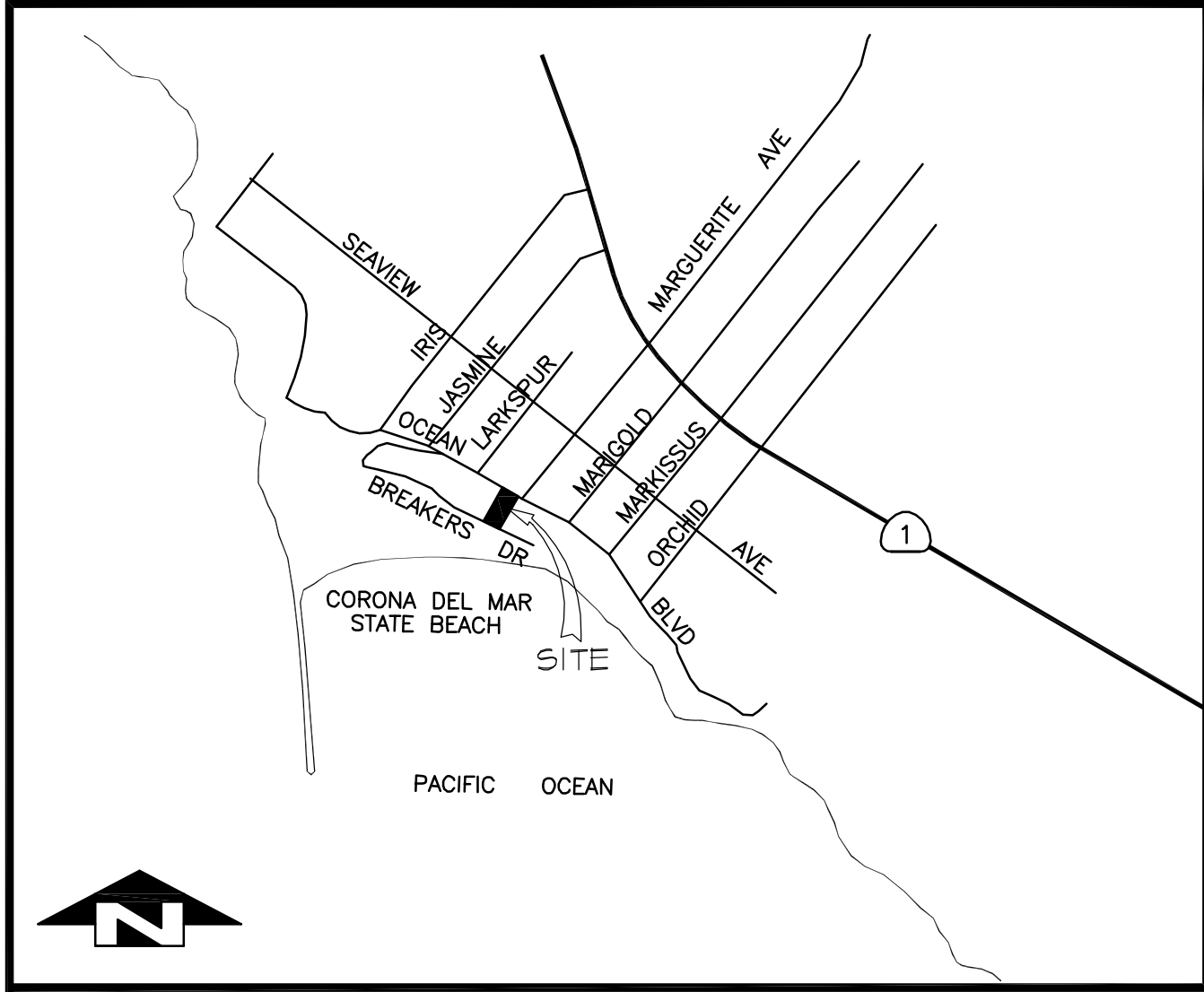
Job No: 09-037



Brion Jeannette Architecture

470 Old Newport Boulevard • Newport Beach, CA • 92663 • Tel 949.445.5554 • Fax 949.445.5983
www.brionjeannette.com
MEMBERS: AIA & NCARB • ENERGY CONSCIOUS DESIGN

AKROTIRI
3225 OCEAN BLVD.
CORONA DEL MAR, CA



LOCATION MAP
THOMAS GUIDE PAGE 889/H5

LEGEND

- A.C. ASPHALT CONCRETE
- A.P.W.A. AMERICAN PUBLIC WORKS ASSOCIATION
- A.U. AIR CONDITIONING UNIT
- B.C. BEGIN CURVE
- B.F.F. BASEMENT FINISH FLOOR ELEVATION
- B.F.S. BASEMENT FINISH SURFACE ELEVATION
- B.M. BENCH MARK
- B.O.F. BOTTOM OF FOOTING ELEVATION
- B.O.S. BOTTOM OF SLOPE ELEVATION
- B.V.C. BEGIN VERTICAL CURVE
- B.W. BACK OF WALK ELEVATION
- C.B. CATCH BASIN
- C.F. CURB FACE
- C.I.P. CAST IRON PIPE
- C/L CENTERLINE
- C.L.F. CHAIN LINK FENCE
- C. & G. CURB & GUTTER
- C.L. CLEANOUT
- CONC. CONCRETE
- D.V.A. DRIVEWAY APPROACH
- D.L. DAYLIGHT LINE
- D.S. DOWN SPOUT
- D.S.C.O. DOWN SPOUT CLEAN-OUT
- D.W. DRIVEWAY
- E.C. END CURVE
- E.V.C. END VERTICAL CURVE
- E.X. EXISTING
- F.F. FINISH FLOOR ELEVATION
- F.H. FIRE HYDRANT
- F.L. FLOWLINE ELEVATION
- F.S. FINISHED SURFACE ELEVATION
- FTN. FOUNTAIN
- G.B. GRADE BREAK
- G.F.S. GARAGE FINISH SURFACE ELEVATION
- G.M. GAS METER
- H.L. HOUSE LATERAL
- H.P. HIGH POINT ELEVATION
- I.V. INVERT ELEVATION
- L.P. LOW POINT ELEVATION
- M.B. MAIL BOX
- M.H. MANHOLE
- M.O.C. MIDDLE OF CURVE
- O.H.W. OVERHEAD WIRE(S)
- P.A. PLANTER AREA
- P.B. PULL BOX
- P.K.W. PARKWAY
- P/L PROPERTY LINE
- P.P. POWER POLE
- P.R.C. POINT OF REVERSE CURVE
- P.V.M. PAVEMENT
- R.D. ROOF DRAIN
- R.L. RIDGE LINE
- R.O.W. RIGHT-OF-WAY
- R.W.M. RECLAIMED WATER METER
- S.D. STORM DRAIN
- S.D.M.H. STORM DRAIN MANHOLE
- S.G. SUB-GRADE ELEVATION
- S.M.H. SEWER MANHOLE
- S.S. SANITARY SEWER
- STA. STATION
- STL. STREET LIGHT PULL BOX
- STL. STREET LIGHT
- S/W. SIDEWALK
- T.A. TRASH AREA
- T.B.M. TEMPORARY BENCH MARK
- T.C. TOP OF CURB ELEVATION
- T.F. TOP OF FOOTING ELEVATION
- T.G. TOP OF GRATE ELEVATION
- T.O.C. TOP OF CHIMNEY ELEVATION
- T.O.S. TOP OF GLASS ELEVATION
- T.P. TOP OF PILASTER ELEVATION
- T.R.P. TOP OF ROOF PARAPET ELEVATION
- T.S. TRAFFIC SIGNAL
- T.W. TOP OF WALL ELEVATION
- V.C. VERTICAL CURVE
- V.P. VINE POCKET
- W.H. WATER HEATER
- W.I. WROUGHT IRON
- W.M. WATER METER
- W.V. WATER VALVE
- H.O.A. HOMEOWNERS' ASSOCIATION

- EXISTING CONCRETE PAVING
- EXISTING BRICK PAVING

LEGAL DESCRIPTION:

THE SOUTHEAST HALF OF LOT 14 AND THE NORTHWEST HALF OF LOT 15 OF TRACT NO. 1026, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 12, PAGE 35 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

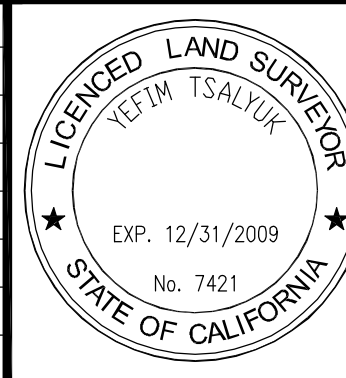
BENCH MARK:

COUNTY OF ORANGE BENCH MARK NO. NB4-36-74:
DESCRIBED BY OCS 2002- FD. 3 3/4" OCS ALUMINUM BENCH MARK DISK
STAMPED "NB4-36-74" SET IN THE NW. CORNER OF A 4'x22' CONCRETE CATCH BASIN. MONUMENT IS LOCATED IN THE T-INTERSECTION OF HELIOTROPE AVE AND OCEAN BLVD, 21' SW. OF THE C/L OF OCEAN BLVD & 122' NW'LY OF THE C/L OF HELIOTROPE AVE. MONUMENT IS SET LEVEL WITH SIDEWALK.
ELEVATION = 67.054 (NAVD88, LEVELED 1994)

PREPARED FOR:

EVENSEN'S RESIDENCE
c/o BRION JEANNETTER ARCHITECTURE
470 OLD NEWPORT BLVD.
NEWPORT BEACH, CA 92663
Phone (949) 645-5854
Fax (949) 645-5983

NO.	REVISIONS	APPROVED	DATE
7			
6			
5			
4			
3			
2			
1			



PREPARED BY:

CML ENGINEERING & SURVEYING
34 GEORGETOWN
IRVINE, CALIFORNIA 92612
Phone (949) 509 0909
Fax (949) 509 0901
rgaconsultants@yahoo.com

DESIGNED BY: N/A
DRAWN BY: R.G.
CHECKED BY: Y.T.
LAST UPDATED: 11/24/09
PLOT DATE: 11/24/09

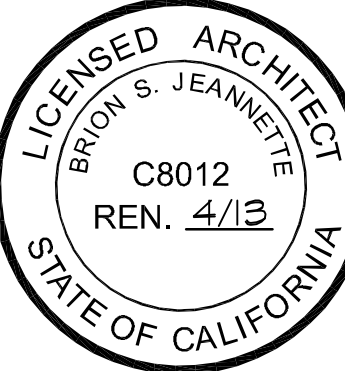
TOPOGRAPHIC SURVEY
3225 OCEAN BOULEVARD
A.P.N. 052-120-15
CITY OF NEWPORT BEACH

SHEET
T
JOB NO.
09179

GRADE PLANE EXHIBIT A

SCALE: 1/8" = 1' - 0"

EXHIBIT



Date:
CITY REVIEW
Revision: 2012.2/2
Revision:
Revision:
Revision:
Job No: 09-037

GRADE PLANE EXHIBIT

Brion Jeannette Architecture

AKROTIRI
3225 OCEAN BLVD.
CORONA DEL MAR, CA

OCEAN BOULEVARD

BREAKERS DRIVE
(PRIVATE STREET)

LOT "A"

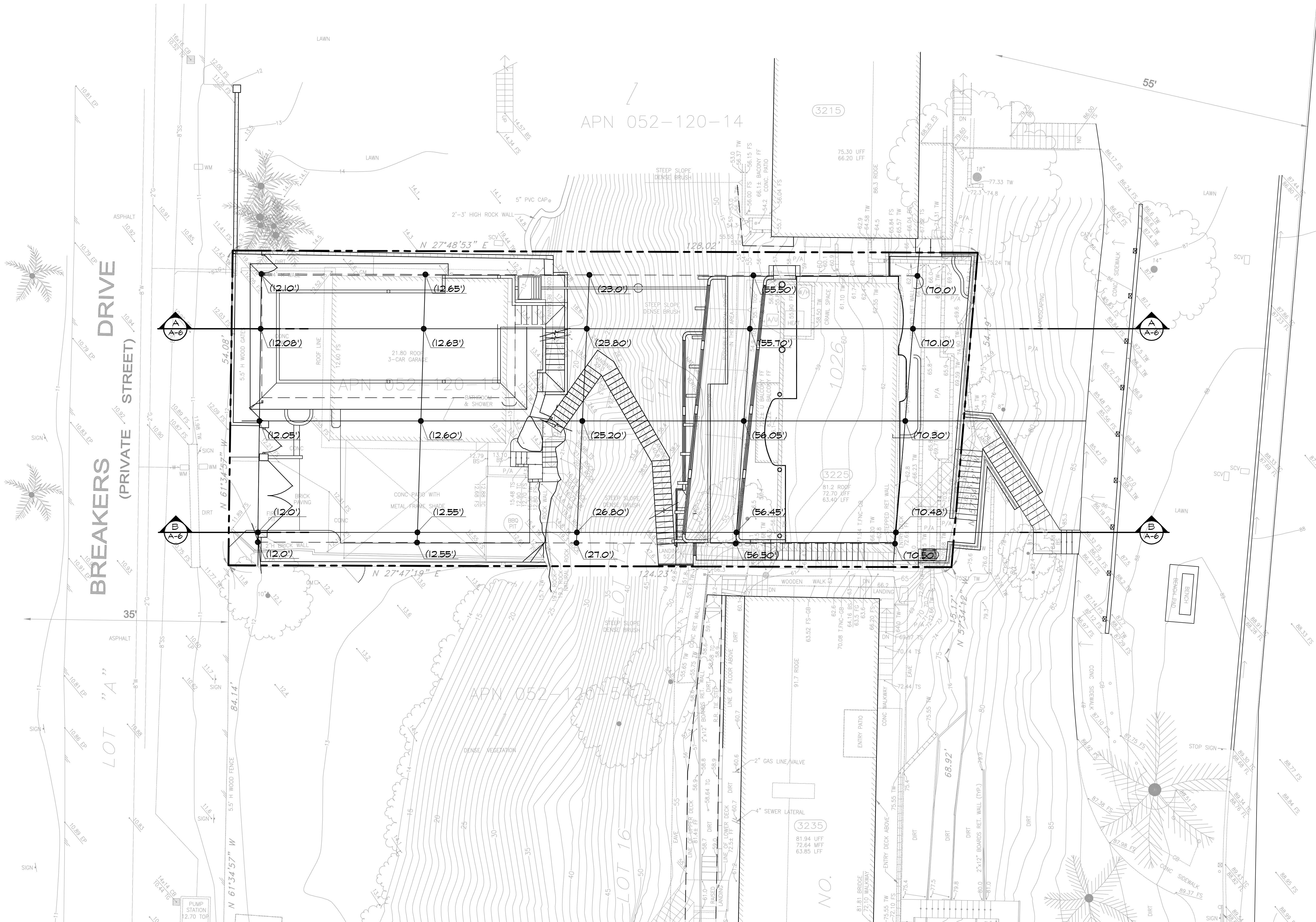
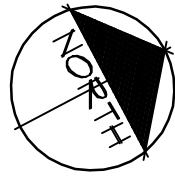
APN 052-120-14

APN 052-120-15

APN 052-120-16

LOT 16

NO.



ADDITIONAL
MATERIALS
RECEIVED

Evensen Residence

Variance No. VA2012-003 (PA2012-089)

3225 Ocean Blvd.

Planning Commission
September 6, 2012 meeting

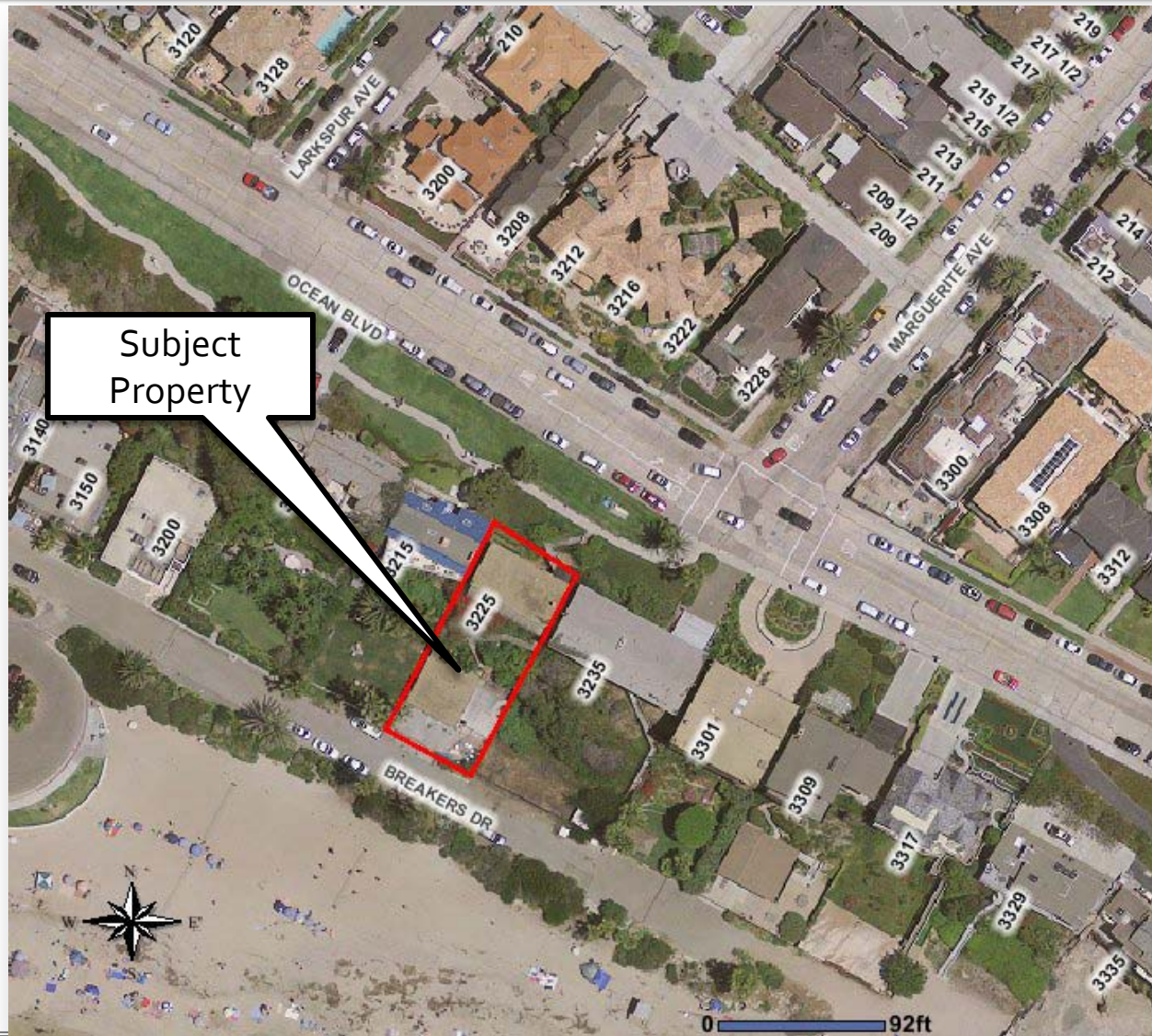


Introduction



- A Variance request to allow:
 - Construct a new 3-level, single-family residence to encroach 10 feet into the 10-foot front yard setback at the lower level which will not be visible from Ocean Blvd.

Vicinity Map



Front Elevation – Ocean Blvd.



Rear Elevation – Breakers Dr.



Existing
3-car garage

Existing Main
Residence

Background



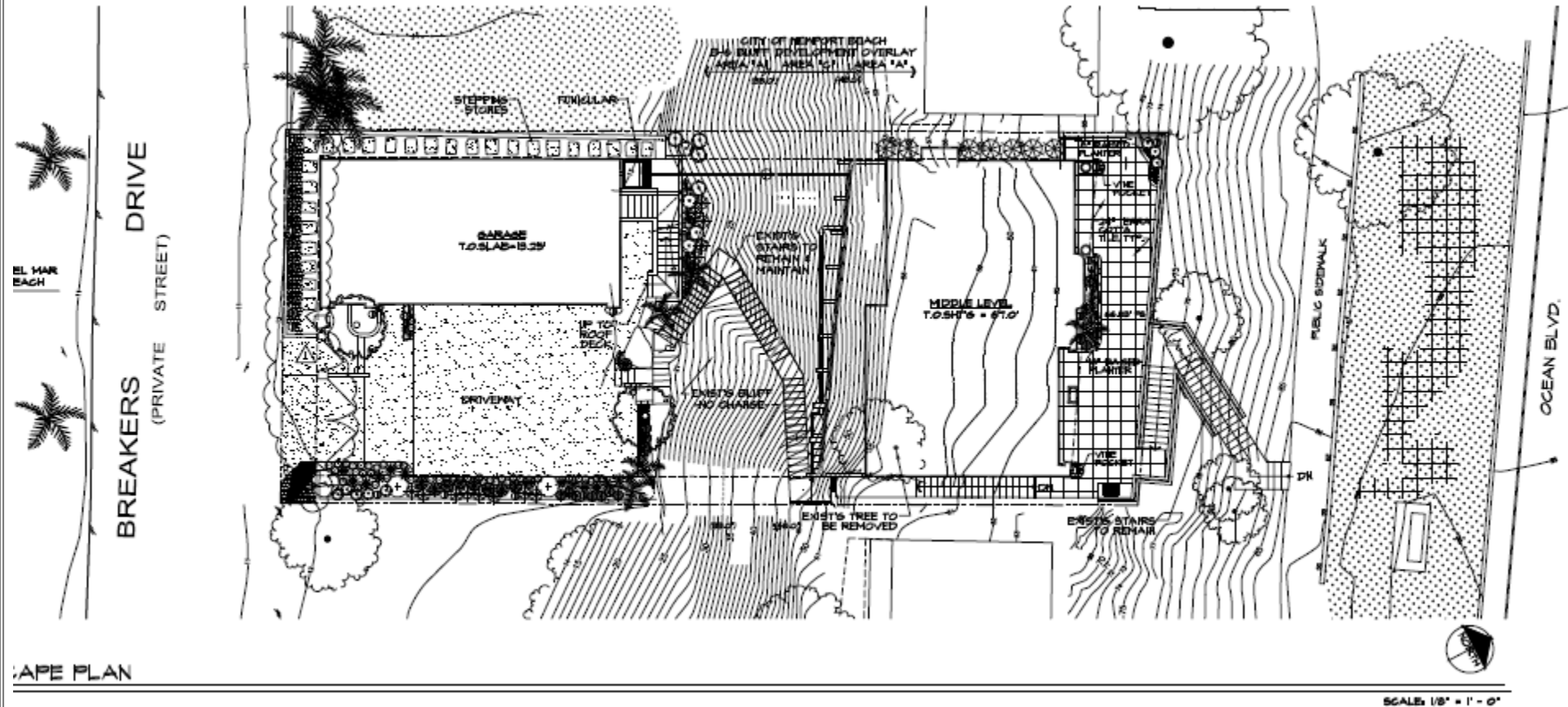
- An AIC was approved for a new 7,515 sf., 4-story residence with a two-story 3-car garage
- Coastal Commission denied Coastal Development Permit application because the new residence would extend beyond existing building footprint & new garage would be higher than the existing one.
- The applicant redesigned the project & eliminated one floor level in the main residence and second floor of the garage structure.

Project Details

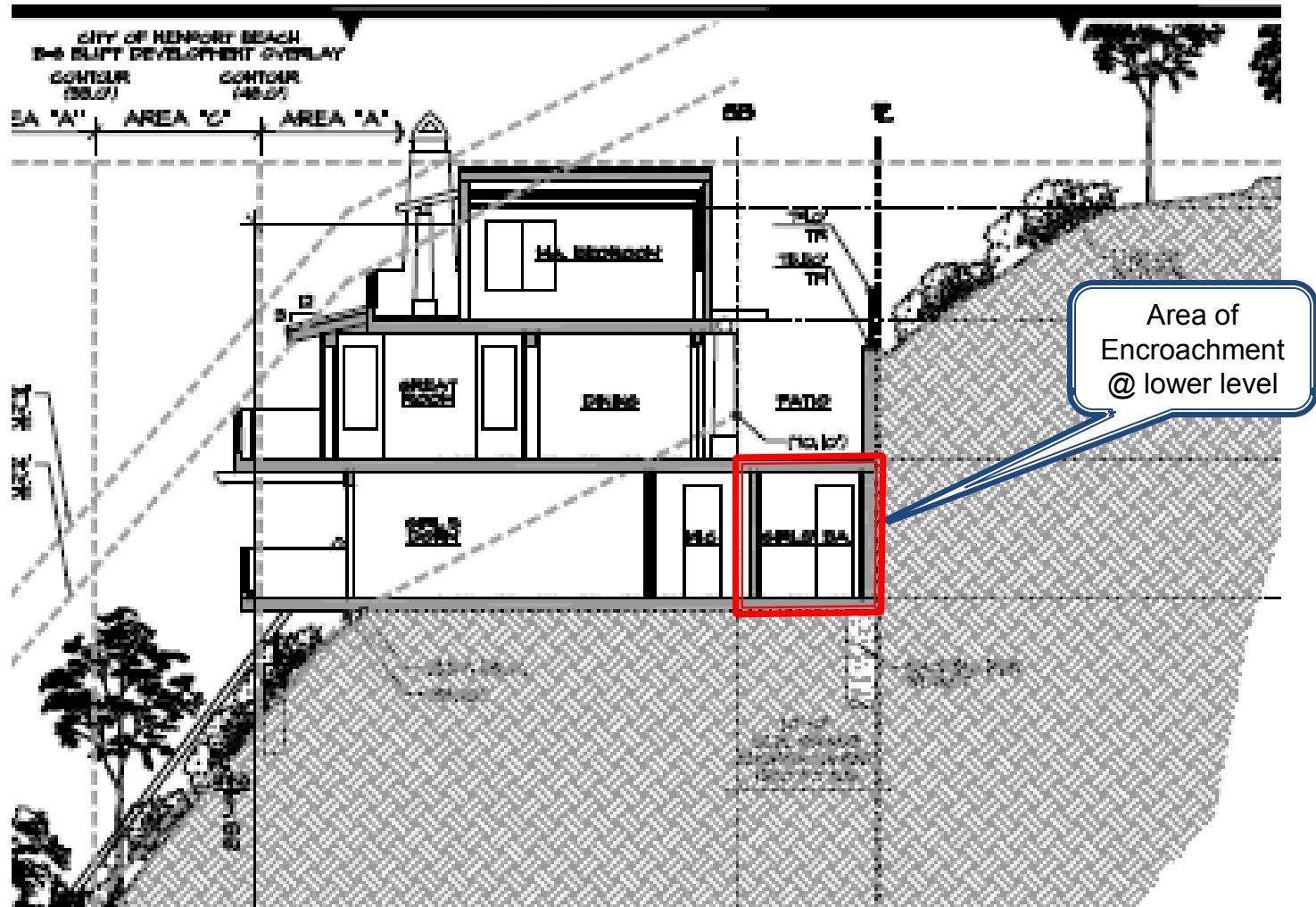


- Existing residence will be demolished
- New development consists:
 - A 3,880 sf., 3-level single-family residence &
 - A 914 sf. detached, 3-car garage & an exercise room with a 610 square-foot roof deck on top of the garage
- Complies with R-1-B standards, except for front yard setback encroachment

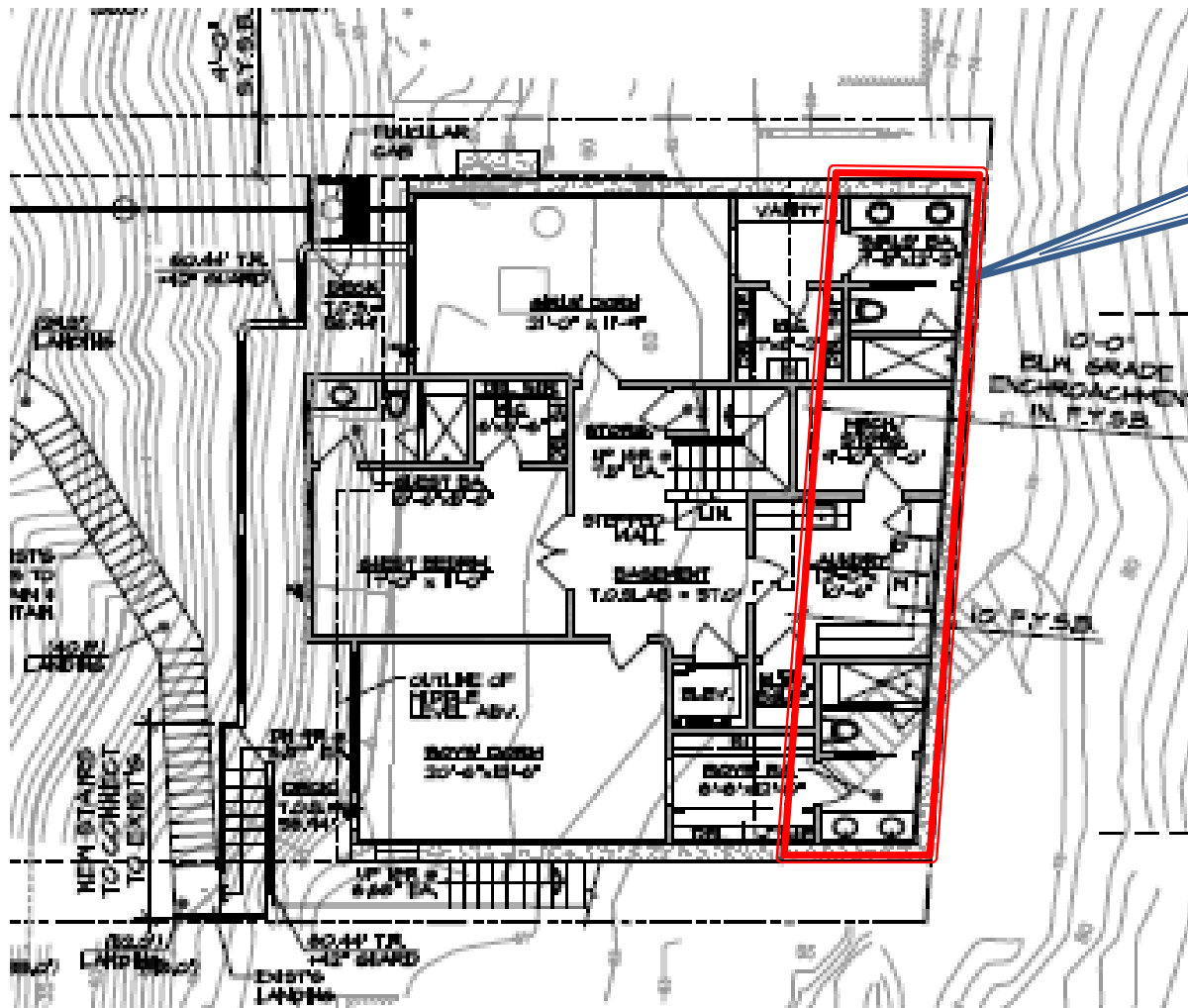
Site Plan



Cross Section



Floor Plan- Lower Level



Area of
Encroachment

Variance Request



- 10-foot front yard encroachment
 - Would be subterranean and not visible from Ocean Boulevard
 - Would not impact public views from Ocean Boulevard
 - Would not affect the flow of air and/or light to adjoining properties nor create an inconsistent look from Ocean Boulevard
 - Would allow for more open coastal bluff face than is required in the Bluff Overlay District by maintaining the existing building footprint

CEQA Review



- The project is categorically exempt per the California Environmental Quality Act (CEQA) Guidelines – Class 3 (New Construction or Conversion of Small Structures) which includes construction of a single-family residence in a residential area.

Recommendation



- Conduct a public hearing
- Adopt Draft Resolution for the approval of Variance No. VA2012-003 and find the project is exempt per CEQA
- Alternatives:
 - Modify the project; or
 - Deny the project

Next Steps



- If there is no appeal, proceed to Coastal Development Permit



For more information contact:

Rosalinh Ung
949-644-3208
rung@newportbeachca.gov
www.newportbeachca.gov

To: Planning Commissioners
Subject: Additional Material Received

Item 4a: Additional Material Received
Planning Commission September 6, 2012
PA2012-089

From: Nizar Tannir [<mailto:nizartannir@hotmail.com>]
Sent: Wednesday, September 05, 2012 8:21 PM
To: Ung, Rosalinh
Subject: The Evensens Home at 3225 Ocean Blvd

Dear Planning Commissioners,
I own the property directly south of the Evensens home, at 3235 Ocean Blvd. I am supportive of the request to encroach into the front yard setback. The encroachment is not visible and will not have a negative effect in the neighborhood. Please approve the request.
Kindest regards,
Nizar Tannir

To: Planning Commissioners
Subject: Additional Material Received

Item 4b: Additional Material Received
Planning Commission September 6, 2012
PA2012-089

From: Doug Circle [<mailto:doug@circlevision.biz>]
Sent: Thursday, September 06, 2012 9:02 AM
To: Ung, Rosalinh
Subject: PC 2012-089; 3225 Ocean Blvd.
Importance: High

Dear Planning Commissioners:

I own the property at 3415 Ocean Blvd. south of the Evensen home. I am supportive of the request to encroach into the front yard setback. The same encroachment was granted to me a few years back. The encroachment is not visible and will not have a negative effect in the neighborhood. Please approve Chris and Felicia's request.

Kindest regards,

Doug and Jan Circle

Douglas R. Circle

President / CEO
Circle Vision, LLC
1006 Segovia Circle
Placentia, CA 92870
T 714.630.0299
F 714.630.2399
C 714.742.1444
doug@circlevision.biz

~~~~~  
Owner / Wine Grower  
Sierra Madre Vineyard  
[doug@sierramadrevineyard.com](mailto:doug@sierramadrevineyard.com)  
[www.sierramadrevineyard.com](http://www.sierramadrevineyard.com)  
[www.Facebook.com/SierraMadreVnyrd](http://www.Facebook.com/SierraMadreVnyrd)  
[www.Twitter.com/SierraMadreVnyd](http://www.Twitter.com/SierraMadreVnyd)

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